Information for citation:
Sukharev, A. A. (2023) Comparative Legal Analysis of Concepts of Legal Land Regime and Legal Land Parcel Regime in CIS Countries. *European and Asian Law Review.* 6 (3), 64–84. DOI: 10.34076/27821668_2023_6_3_64.

Для цитирования:
Sukharev A. A. Comparative Legal Analysis of Concepts of Legal Land Regime and Legal Land Parcel Regime in CIS Countries // European and Asian Law Review. 2023. № 3. T. 6. P. 64–84. DOI: 10.34076/27821668_2023_6_3_64.

UDC: 349.41
BISAC: LAW055000
DOI: 10.34076/27821668_2023_6_3_64

Research Article

COMPARATIVE LEGAL ANALYSIS OF CONCEPTS OF LEGAL LAND REGIME AND LEGAL LAND PARCEL REGIME IN CIS COUNTRIES

Alexandr A. Sukharev
Ural State University of Architecture and Art named for N. S. Alferov
ORCID ID: 0009-0007-7497-064X

The author researches the land constitutional and federal (republican) legislation of the CIS countries, Russian and Soviet scientific doctrine in terms of the concepts of the legal regime of lands and the legal regime of land parcels in order to establish criteria for their allocation, degree of elaboration and correlation. To achieve this goal, he analyzes the constitutional and federal (republican) land legislation of the CIS countries – the Russian Federation, the Republic of Kazakhstan, the Republic of Belarus, the Republic of Uzbekistan, the Republic of Kyrgyzstan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Tajikistan, Russian and Soviet scientific doctrine. In conclusion, the author determines the degree of elaboration and consistency of the concepts of the legal regime of lands and the legal regime of a land parcel in the land legislation of the CIS countries, the Russian scientific doctrine and suggests directions for their further development.

Keywords: *legal regime of lands, legal regime of a land parcel, restrictions of rights to a land parcel, CIS countries, degree of development, land legislation*

Vol. 6. Is. 3

СРАВНИТЕЛЬНО-ПРАВОВОЙ АНАЛИЗ КОНЦЕПЦИЙ ПРАВОВОГО РЕЖИМА ЗЕМЕЛЬ И ПРАВОВОГО РЕЖИМА ЗЕМЕЛЬНЫХ УЧАСТКОВ В СТРАНАХ СНГ

А. А. Сухарев
Уральский государственный архитектурно-художественный университет им. Н. С. Алферова
ORCID ID: 0009-0007-7497-064X

Автор исследует земельное конституционное и федеральное (республиканское) законодательство стран СНГ, российскую и советскую научную доктрину в части понятий правового режима земель и правового режима земельных участков с целью установления критериев их выделения, степени проработанности и соотношения. Для достижения этой цели он анализирует конституционное и федеральное (республиканское) земельное законодательство стран СНГ – Российской Федерации, Республики Казахстан, Республики Беларусь, Республики Узбекистан, Республики Кыргызстан, Республики Армения, Азербайджанской Республики, Республики Таджикистан, российскую и советскую научную доктрину. В заключение автор определяет степень проработанности и согласованности понятий правового режима земель и правового режима земельного участка в земельном законодательстве стран СНГ, российской научной доктрине и предлагает направления их дальнейшего развития.

Ключевые слова: *правовой режим земель, правовой режим земельного участка, ограничения прав на земельный участок, страны СНГ, степень разработанности, земельное законодательство*

Introduction

Issues of land use and protection traditionally affect the interests of many people – land users, officials of state and municipal bodies, and, except of ‘directly involved’ participants in land relations, it affects users of the environment, who will be touched by the fulfillment or non-fulfillment of the rights and obligations of land users.

In order to maintain a balance between private and public interests, to ensure rational land use, environmental protection, it is necessary to coordinate the conceptual apparatus of land legislation, to define and coordinate the concept, content, ratio of the legal regime of land (hereinafter – LRL) and the legal regime of land parcel (hereinafter – LRLP), restrictions of rights to land.

Without this work, the definition of the rights and obligations of users of land and land parcels entails the inevitable occurrence of many conflicts in land, urban planning, special and other legislation.

The request for the definition of LRLP and LRL for a clearer definition of the rights and obligations of land users has existed in Russian legal science since the twentieth century and remains relevant to this day.

Scientists dealing with land law issues set themselves the following for the legal regime of lands and land parcels researches [Narysheva, 2022: 221–222]:

1) ‘substantiation of the identity or difference between the concepts of ‘legal regime of land’ and ‘legal regime of land parcel’;

2) differentiation of the concepts of ‘legal regime of lands’ and ‘legal regime of a land parcel’ (when establishing their non-identity);

3) determination emergence stage legal regime of lands and the legal regime of the land parcel;

4) determination of the legal regime of land and the legal regime of the land parcel elements;

5) justification of the presence or absence of special land-legal means and the establishment of their relationship with the legal regime of land and the legal regime of the land parcel (when justifying the presence of special land-legal means, or the need for their use);

6) substantiation of the branch or interbranch nature of the legal regime of lands’.

Scaling these tasks to the CIS level allows to achieve more interesting results for researcher.

‘The Agreement on the Eurasian Economic Union’ dated 29.05.2014 and its implementing decisions such as ‘Decisions of the Supreme Eurasian Economic Council dated 10.12.2021 No. 22 ‘On ensuring the functioning of a single market for construction services’ are aimed at forming united economic and legal space for the realization of such activities as urban development, extraction of natural resources, infrastructure building, etc. It provides for the development, use, protection of land and land parcels.

To make such activities easier to carry out, in addition to the tasks already mentioned above, the following tasks should be highlighted:

1) definition of the main world systems (models) of land use and criteria for their allocation;

2) definition of land use systems in the CIS countries;

3) development of a unified land use system that takes into account the specifics of the CIS countries and allows them to realize their economic potential in the format of international cooperation;

4) creation of national LRL and LRLP management systems and, in the part necessary for international cooperation, the implementation of the EAEU treaty, creation of a unified interstate LRL and LRLP management system.

To achieve these objectives, it is necessary:

1. Creation of unified concepts of LRL, LRLP, restrictions of rights to a land parcel (public legal restrictions).

This must be done even if we refuse to create a unified system of land use or suspend such a choice until resources appear for its elaboration.

In the case of the Russian Federation, the issue of abandoning the legal institute of land purpose has been discussed at the State Duma level for many years and has not been resolved at this moment [Voronova, 2019: 160–162; Kiseleva & Ilyinykh, 2016: 65–69; Klyushnichenko & Ilyinykh & Kiseleva, 2017: 152–155].

2. Ensuring the possibility of taking into account the introduced and introduced public-legal restrictions on the land parcel in the above-mentioned LRL and LRLP.

In this case, the public-legal restrictions of the land parcel are given in the following meaning: ‘the rights and obligations of the rightholder of the land parcel and the authorized public authority, established in the norms of various branch affiliation, implemented in the form of regulatory legal acts and individual legal acts of the regulatory body and aimed at preventing negative consequences for the land as a natural resource, implementation of the administrative powers of the public authority for land management’.

3. Use the concepts of ‘LRL’, ‘LRLP’ and ‘public-law restrictions’ to determine the powers of public authorities responsible for establishing public-law restrictions and monitoring their compliance.

4. On the basis of these concepts and the powers of public authorities, to improve the procedures related to the provision and development of land, if necessary – to develop new ones.

An example is the procedure for a comprehensive change in the legal regime of a land parcel, which implies the preparation by an interdepartmental commission of authorized bodies such document as conclusion of an interdepartmental commission on the existence or absence of public-legal restrictions of a land parcel in their areas of responsibility and its referral to local self-government bodies for subsequent inclusion in the urban development plan of a land parcel.

Improvement of existing procedures is expected primarily in terms of the possibility of involving public authorities in the prompt provision of information necessary for the development of a land parcel.

5. Creation of a unified system for managing the legal regime of a land parcel at the level of a separate country, which allows to specialize territories for certain activities faster than the systems of purpose, permitted use and many different restrictions of rights to a land parcel that currently exist in modern Russian legislation. These systems are subject to numerous defects, especially in terms of collecting and sending information (one of the special cases is sending information about the establishment of security zones) [Zolotova, 2015: 41–46].

This scientific article is a development of the ideas expressed in the author’s thesis on the issue of determining LRL and LRLP, their relationship. This theme, and also the concept of public legal restrictions procedure for a comprehensive change in the legal regime of a land parcel are investigated by author in his master’s thesis named ‘Legal regime of the land parcel: Problems of establishing and optimizing changes’ (in Russian: ‘Pravovoj rezhim zemel’nogo uchastka: Problemy ustanovleniya i optimizaciya izmeneniya’).

The purpose of this research is to establish the presence or absence of the concepts of LRL, LRLP, restrictions on land rights, criteria for the allocation of LRL and LRLP, the ratio of LRL and LRLP in the legislation of the CIS countries.

In addition to this, it is necessary to determine the required degree of development of the legislation of the CIS countries for the appearance of prerequisites for the real fulfillment of the declared goals of the EAEU treaty and the implementation of the above tasks.

The necessary researches are not available in the free access, which is one of reasons why the author chose this topic for development.

Material and methods

Material – land and urban planning legislation at the constitutional and federal (republican) level CIS countries, as well as studies by Russian scientists on LRL, LRLP, and their relationship.

Methods – analysis, synthesis, comparative legal method, systemic legal interpretation.

The analysis is used to analyze regulatory legal acts into components for subsequent use in the synthesis of the concepts of LRL, LRLP, restrictions of rights to land parcels.

The comparative legal method is used to compare the LRL, LRLP, restrictions of rights to land parcels of the CIS countries, including in the absence of a direct reference in the law to these concepts.

Systemic legal interpretation is used where it is impossible to do with a literal interpretation and it is necessary to analyze the meaning of several legal norms in order to investigate legal regulation.

Results

For accurately determination of the rights and obligations of the rightholders of land parcels, it is necessary to have the concepts of LRL and LRLP, restrictions of rights to land parcels, their relationship in the land legislation.

In the CIS countries there is no unite concept of LRL, unite concept of LRLP, a unite system of land use that determines their relationship.

The ratio and concepts of LRL and LRLP are established in the Land Codes of the Republic of Azerbaijan, the Republic of Armenia.

The concepts of restrictions of rights to land parcels are established in the Land Codes of the Republic of Azerbaijan, the Republic of Armenia, the Republic of Belarus.

The issue of LRL, LRLP and their correlation in the scientific doctrine of the CIS countries has not been investigated. Separate legal regimes of elements of LRL and LRLP are investigated.

In the Soviet and Russian scientific doctrine, a number of definitions of LRL and LRLP are given, which are not coordinated with each other. There is no single concept of LRL and LRLP. The connection between the individual elements of LRL and LRLP is revealed.

The issue of LRL, LRLP, restrictions of rights to land parcels, their relationship has not been investigated enough.

Discussion

There are no studies on LRL and LRLP in the Republic of Kazakhstan, the Republic of Belarus, the Republic of Kyrgyzstan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Uzbekistan, the Republic of Tajikistan, although the legal regimes of certain protected zones and categories of land are usually investigated [Kaizhakparova, 2020: 183–190; Chernova, 2014: 546–551; Auganbai, 2020: 31–35; Lastochkina, 2022: 205–209].

The issues of LRL, LRLP, restrictions of rights to land parcels of these countries are poorly studied and aren't developed in the existing legal literature.

In this regard, it is reasonable to build the material of this article at the following levels of research:

1) constitutional legislation of the CIS countries;

2) federal (republican) legislation of the CIS countries;

3) russian scientific doctrine.

In terms of constitutional legislation, it should be clarified that for the purposes of this article, the purpose and conditions of land use are important, and not, for example, the variety of forms of ownership of land. In this regard, the norms about forms of ownership of land at the following level of research are not mentioned.

Constitutional legislation of the CIS countries

1. *The Russian Federation*

The provisions on land are enshrined in Articles 9 and 36 of the Constitution of the Russian Federation.

Land and natural resources are the basis of the life and activities of the peoples living in the relevant territory, their possession and use should not harm the environment, the rights and legitimate interests of others.

The purpose of land use has not been established, the conditions for the use of land are the absence of damage to the environment, taking into account the rights and legitimate interests of others.

2. *The Republic of Kazakhstan*

Articles 31 and 36 of the Constitution of the Republic of Kazakhstan establish that the protection of a favorable environment is the goal, citizens are obliged to preserve nature and take care of natural resources.

The purpose of land use is not established, the goal of 'environmental protection' is highlighted, the indirect conditions of land use are nature protection and careful (rational?) attitude to natural resources.

3. *The Republic of Belarus*

It follows from Article 46 of the Constitution of the Republic of Belarus that 'the State exercises control over the rational use of natural resources in order to protect and improve living conditions, as well as protect and restore the environment'.

The goal is to protect, improve living conditions, protect and restore the environment, conditions – control over the rational use of natural resources. The land is not directly mentioned.

4. *The Republic of Kyrgyzstan*

Article 16 of the Constitution of the Republic of Kyrgyzstan establishes that land and natural resources are used as the basis of life and activity of the people of the Kyrgyz Republic; in order to preserve a unified ecological system and sustainable development, they are under the control and special protection of the State.

The goal is to preserve a unified ecological system and sustainable development, the land is the basis of life and activity of the people, the condition is control and special protection.

5. *The Republic of Azerbaijan*

Article 29 of the Constitution of the Republic of Azerbaijan stipulates that 'for the purposes of social justice and rational use of land, the right of ownership of land may be restricted by law'.

The goal is social justice and rational use of land, the condition is the restriction of ownership of land.

6. *The Republic of Armenia*

Article 31 of the Constitution of the Republic of Armenia contains provisions that 'the exercise of the right of ownership must not harm the environment, violate the rights and legitimate interests of other persons, society and the state', Articles 10 and 33.2 specify the right to a favorable environment and the obligation to maintain it, the obligation of the state to ensure the protection and reproduction of the environment, rational use of natural resources.

The purpose is environmental protection, conditions for the exercise of property rights (including the right to land) – taking into account the rights and legitimate interests of other persons, society and the state, land is not directly mentioned.

7. *The Republic of Uzbekistan*

Article 68 of the Republic of Uzbekistan establishes that 'the land, its subsoil, waters, flora and fauna and other natural resources are national wealth, subject to rational use and protected by the State.

Land may be privately owned under the conditions and in the manner prescribed by law and ensuring its rational use and protection as national wealth'.

The goal is not directly identified, but the conditions for the use and protection of land are defined in the form of requirements for the rational use and protection of land.

8. *The Republic of Tajikistan*

According to Article 13 of the Constitution of the Republic of Tajikistan, 'land, its subsoil, water, airspace, flora and fauna and other natural resources are the exclusive property of the State and the State guarantees their effective use in the interests of the people'.

The purpose is to use the land in the interests of the people, the terms of use are efficiency, other terms of use are not defined.

It follows from the above norms that constitutions differ in the purpose of the use and protection of land, the conditions of its use, although they are insufficient to determine the LRL, LRLP and their ratio.

According to the presence of the purpose and conditions, the analyzed Constitutions can be divided into the following types:

1) the goal is environmental protection, the land is not mentioned, the conditions of land use indirectly follow from the right to the environment (Republic of Kazakhstan, Republic of Armenia);

2) the goal is a certain benefit, for the achievement of which the conditions of land use are determined (the Republic of Belarus, the Republic of Kyrgyzstan, the Republic of Azerbaijan, the Republic of Tajikistan);

3) the purpose has not been established, but the conditions for the use of land have been determined (Russian Federation, Republic of Uzbekistan).

In an ideal situation, the right to land, the purpose of land use, and the conditions for the realization of the right to land should be defined at the level of the Constitution.

For example, 'land is an object of property rights, a natural object, a natural resource, has a legal regime defined at the level of federal (republican) legislation, is divided into land parcels whose legal regime is subordinate to the legal regime of the land, the purpose of land use is to extract economic benefits, subject to consideration of the legitimate rights and interests of the rightholders of the land, other persons, compliance with the requirements for rational land use, compliance with the requirements of environmental protection'.

This definition is approximate, and, of course, constitutional law experts can develop a list of more optimal and consistent concepts of land, which is a perspective area for research.

Without this legal regulation, the concept and content of LRL and LRLP are deprived of a constitutional basis, although they are not deprived of the possibility of functioning.

From the above analysis, it follows that at the level of the Constitutions of the CIS countries, the issue of determining the LRL and LRLP has not been worked out, the constitutional basis is either absent or is of an indefinite nature. Until the elaboration and systematization of the provisions of the Constitutions of the CIS countries, the legal regulation of the system of use and protection of lands and land parcels will be incomplete.

How these constitutional categories are implemented at the level of federal legislation and the level of judicial practice, whether it is necessary to change the Constitutions of the CIS countries for the functioning of the legal regime of lands and the legal regime of a land parcel – the answers to both of these questions are topics for separate research.

The preliminary answer is that this question is not 'urgent' for determining the LRL and LRLP. But for building a unified land use system and for better protection of the rights

of land users (for example, in the Constitutional Courts of the CIS countries), it is necessary to establish qualitative definitions in the Constitutions of the CIS countries.

'Qualitative' means considering:

1) the constituent elements used in the subordinate legislation. For example, if a legislator plans to regulate the civil turnover of land parcels as an object of ownership, it is desirable for him to include the concept of 'object of ownership' in the concept of 'land' as one of the constituent elements. Similarly, in the case of a natural object, a natural resource, etc.;

2) division into component parts and subordination of the legal regime of these parts to a single concept. The author would not have had to conduct this study if it had been prescribed at the level of the Constitution that lands are divided into land parcels, and the legal regime of land parcels is subordinate to the legal regime of lands;

3) the purpose of land use, which must be established in order to take it into account when establishing the rights and obligations of land users, since it can affect them. It is one thing to have a land use system aimed at the economic exploitation of land, although taking into account environmental requirements, and another thing is when the use of land is carried out to obtain some kind of public good;

4) the conditions of land use that need to be established in order to consolidate at the constitutional level the fundamentals of environmental legislation and, for example, legislation on the seizure of land parcels.

One phrase at the level of the Constitution can greatly facilitate the work of a law enforcement officer, a land user, a third person whose interests are affected by the land user, and, finally, the legislator himself.

If we study the practice of constitutional lawmaking, we can see that is obviously easier and more realistic to change the legislation. However, for the systematic study of the issue, the author considered it right to research, including the constitutional level. In particular, to establish that the problem of the absence of the concepts of LRL and LRLP, their relationship, has not been solved at this moment.

Federal (republican) land legislation of the CIS countries

Let's move on to the consideration of federal (republican) land legislation.

For the purposes of today's article, it is necessary to study the land legislation of the Russian Federation, Kazakhstan, Belarus, Kyrgyzstan, Azerbaijan, Armenia, Uzbekistan, Turkmenistan to clarify the following issues:

1) what are the criteria for land use defined?

2) are the concepts of LRL, LRLP, restrictions on the rights to use land or land parcel, land or land parcel formulated?

3) how do LRL and LRLP relate to each other?

It is worth clarifying that the answers to these questions are not always indicated directly in the land legislation. Nevertheless, sometimes they can be deduced from the relevant norms by using the method of 'systemic legal interpretation'.

The concept of LRL and LRLP of the **Russian Federation** is not formulated directly in the RF LC (LC hereinafter means 'Land code").

From Articles 1, 6, 7, 40, 56, 104 the RF LC follows that the LRL and LRLP are determined by their intended purpose and permitted use, as well as restrictions imposed by law. These three factors are the criteria for land use.

The purpose is realized by dividing land into categories and transferring land from one category to another.

Permitted use is implemented through urban planning zoning (assignment of land parcels to a territorial zone with permitted use), but can also be implemented using other types of zoning, for example, assignment of land parcels to protected zones, special economic zones, evaluation zones, type of permitted use in forestry regulations, etc.). The procedure for changing permitted use depends on depends on the type of zoning.

The concept of a land parcel is given – 'a part of the earth's surface' – and has characteristics that allow it to be defined as an individually defined thing.

'Land' is understood as 'a natural object and a natural resource'.

Restrictions are given in the form of an open list, there is no concept of restrictions. The institute of protected zones (zones with special conditions for the use of territories) is of the greatest interest. Restrictions of these zones, in accordance with Article 104 of the RF LC, are established regardless of the intended purpose and permitted use, have priority over them.

The ratio of LRL and LRLP is not directly established. Various opinions on this issue will be covered in more detail in the part of the Russian scientific doctrine.

The concepts of LRL and LRLP of the **Republic of Kazakhstan** are also absent in the LC RK.

In accordance with Articles 1, 8, 12, 44, 64 of the LC RK, such criteria of land use as the intended purpose and mode of use (permitted use), restrictions on land rights are defined.

Unlike in Russia, the purpose and mode of use (permitted use) of land can be established during a single procedure for zoning the territory of land, although they are, as in Russia, different legal categories.

For the intended purpose, it is possible to change both during the territorial zoning of land, and during the transfer, as well as the provision of a land parcel.

For the mode of use, a change is provided only for the territorial zoning of land and the provision of a land parcel.

Land is understood as 'the territorial space within which the sovereignty of the Republic of Kazakhstan is established, a natural resource, a universal means of production and the territorial basis of any labor process'.

A land parcel is understood as 'a part of the land allocated within closed borders, assigned to the subjects of land relations'.

In contrast to the regulation in the RF LC, it clearly follows from the concepts of land and land parcel that the legal regime of the land parcel is subordinate to the legal regime of the land.

The legal regulation of restrictions on the use of land is mentioned in Part 5 of Article 6 of the RF LC and Part 2 of Article 42 of the RK LC, which is significantly less detailed compared, for example, with the regulation of security zones in the RF LC. For a more detailed conclusion, a detailed analysis of the special legislation of the Republic of Kazakhstan containing the relevant restrictions is necessary.

The legal regulation of the use of land and land parcels in the **Republic of Belarus** is distinguished by a high priority of the protective norms intended to protect valuable types of land from damage.

So, in addition to the intended purpose, similar to that in the Russian Federation and the Republic of Kazakhstan, types of land are allocated in the LC of the Republic of Belarus. A special legal regime of use and a separate translation procedure have been established for them.

The intended purpose in a similar way, as in the Republic of Kazakhstan, can be established and changed as part of the procedure for providing a land parcel for construction.

According to Articles 1, 6, 8, 20 of the LC of the Republic of Belarus, criteria such as the purpose of land and land parcels, types of land, restrictions on land rights are established for land use.

Land is understood as 'the earth's surface, including soils, considered as a component of the natural environment, a means of production in agriculture and forestry, the spatial material basis of economic and other activities'.

A land parcel is understood as 'a part of the earth's surface that has a boundary and a purpose and is considered in inseparable connection with the capital structures (buildings, structures) located on it'.

The category of lands is 'lands allocated for the main purpose and having a legal regime of use and protection defined by legislation'.

Type of land – 'land allocated according to natural and historical characteristics, condition and nature of use'.

The purpose of the land parcel is 'the procedure, conditions and restrictions on the use of the land parcel for specific purposes established by the decision on the withdrawal and provision of the land parcel'.

Restriction (encumbrance) of rights to a land parcel – 'established by the decision of the state body carrying out state regulation and management in the field of land use and protection, adopted in accordance with a legislative act, contract or court order, a condition or restriction or prohibition in relation to the implementation of certain types of economic or other activities, other rights to a land parcel, including a land easement, for the purposes of public benefit and security, environmental protection and historical and cultural values, protection of the rights and interests of citizens protected by law, individual entrepreneurs and legal entities'.

In addition to determining the restriction of rights to a land parcel, the restrictions are given by the list in Article 20 of the LC of the Republic of Belarus regarding the granted land parcels, representing an analogue of the security zones of the Russian Federation. For a more detailed analysis, it is necessary to study the special legislation of the Republic of Belarus.

There are no concepts of the legal regime of lands and the legal regime of a land parcel in the LC of the Republic of Belarus. Based on the analysis of the concepts of land and land parcels, the legal regime of land has priority over the legal regime of land parcels.

The land use system of the **Republic of Kirghizia** according to Articles 1, 12, 49, 79 of the LC of the Kyrgyz Republic identifies two criteria – purpose, permitted use. The restriction is not singled out separately as a criterion.

There are no concepts of the legal regime of lands, the legal regime of land parcels, restrictions of rights to a land parcel in the LC KR.

The concepts of the category of land, the purpose of land and the permitted use of land parcels are given.

Land categories – 'land used or intended for use for the same purpose'.

The purpose of the land is 'the use of land parcels for the purposes specified in the documents certifying the rights to the land parcel, in the contract or other title documents'.

Permitted use of land parcels and other real estate objects is 'the use of real estate objects in accordance with the town-planning regulations established in the town-planning documentation of settlements and the rules of land use and development, as well

as restrictions on the use of these objects established in accordance with the legislation of the Kyrgyz Republic, as well as easements'.

Land parcel – 'the area of land within closed borders'.

The priority of the legal regime of lands over the legal regime of land parcels is not directly indicated, it does not follow from the definitions of the LC of the Kyrgyz Republic and the legislation on urban development of the Kyrgyz Republic (the Law on the Basics of Urban Planning Legislation of the Kyrgyz Republic).

Proceeding from the logic of urban planning regulation, the rules of development and land use should take into account the intended purpose of land and actual land use, otherwise there may be a situation where the permitted use, for example, specified in the rules of development and land use contradicts the intended purpose of land specified in the decision on the provision of land, since the authority has no obligation to take into account the intended purpose of land when adoption of the rules of development and land use.

The lack of appropriate regulation of the ratio of the intended purpose and intended use at the level of the fundamental republican laws on land and construction is a gap in legal regulation.

However, the introduction of the concept of permitted use, nevertheless, contributes to greater clarity in the establishment and application of the rules of development and land use and the implementation of legal zoning of territories.

In the **Republic of Azerbaijan**, unlike many other normative legal acts, Article 4 of the LC of the Republic of Azerbaijan gives the concept of a legal regime (in the LC of the Republic of Azerbaijan – a legal status) the land parcel, and, accordingly, the criteria of land use are given in the form of the intended purpose, the form of the right to the land parcel, the load (restrictions) established regarding the use of the land parcel.

Which indicates that the introduction of the concept of the legal regime of a land parcel is not something fundamentally impossible or unnecessarily difficult.

In addition to the legal regime of the land parcel, the Land Code of the Republic of Armenia in Article 10 introduces the concept of the legal regime of lands and, more importantly, establishes rules for resolving conflicts between legal regimes of lands: 'preference is given to the land category with a stricter legal regime'.

It is also worth noting that different legal regimes of lands can be established in relation to the same legal regime of a land parcel. In this regard, the categories of lands in the Republic of Azerbaijan are similar to zones with special conditions for the use of the territories of the Russian Federation, which can also be established independently of each other (Part 5 of Article 106 of the RF LC).

Restrictions of rights to a land parcel (in the wording of the LC of the Republic of Armenia, 'Limited use of land parcels') in accordance with Article 11 of the Land Code of the Republic of Armenia are general, established taking into account the intended purpose, restrictions and obligations, and special, established when granting land parcels in accordance with Article 53 of the Land Code of the Republic of Armenia.

The legal status of the land parcel – 'The legal status of the land parcel covers its intended purpose, the form of the right to the land parcel (ownership, use or lease), as well as the load (restrictions) established regarding the use of the land parcel'.

The legal regime of lands is 'a set of rules established by the legislation on land, urban planning, water, forests, the subsoil of the earth and nature protection in the field of the use, protection, accounting and monitoring of land, and applies to all land parcels assigned to a certain land category'.

The intended purpose of land is ‘the rules, conditions and limits of the use of land for specific purposes established by this Code and other regulatory legal acts in accordance with its category’.

A land parcel is ‘a part of the earth’s surface with borders, dimensions, geographical location, legal status, regime, purpose and other indicators reflected in the state land cadastre and documents of state registration of land rights’.

Taking into account this definition, the legal regime and the legal status of a land parcel are different concepts, however, the concept of the legal regime of a land parcel is absent in the LC AR.

There is no concept of land in the LC AR.

Limited use of land parcels – ‘use of a land parcel taking into account its intended purpose, as well as established restrictions and obligations’.

Based on the definitions of the legal regime of the land, the legal status of the land parcel, the purpose of the land, the legal status (in the wording of the author – ‘regime’) of the land parcel is subordinate to the legal regime of the land.

The experience of the **Republic of Armenia** is also very interesting. As in the Republic of Azerbaijan, it defines the legal status of the land parcel. But, in addition, in it, as in the Republic of Kyrgyzstan, the concept of permitted use of a land parcel is defined. And this concept, according to the combined interpretation of Articles 5, 7, 8, 49 of the RA LC, includes the intended purpose and functional purpose, rights and restrictions.

The functional purpose, in fact, collects the ‘Russian’ (the analogy is given for a better understanding and is not fully accurate) permitted use, security zones, cadastral registration and other requirements of the legal regime of the land parcel.

It follows from this that the permitted use combines the intended purpose, functional purpose, rights and restrictions on the land parcel, and these same concepts are criteria for land use.

The legal status of the land parcel ‘includes the property right and other property rights and restrictions registered in accordance with the established procedure in relation to it, its intended purpose’.

The purpose of land is ‘a set of conditions, signs and features of the use and exploitation of land for certain purposes’.

The functional purpose of a land parcel is ‘a complex of physical, qualitative and regulatory features, fixed by normative legal acts, urban planning and land management documentation, which includes the boundaries of the permitted use of land parcels and their changes’.

Permitted use of a land parcel is ‘the use of a land parcel for its intended and functional purpose, including established rights and restrictions’.

A land parcel is ‘a part of the ground and underground surface of the earth, which has fixed boundaries, territory (surface, code), location, legal status with restrictions provided for by laws, which are registered and reflected in the Unified State Cadastre of Immovable Property’.

There are no concepts of the legal regime of lands and land in the RA LC.

Restrictions on the rights to a land parcel are given in the form of an open list in Article 49 of the RA LC and are an integral part of the functional permitted use of the land parcel.

The legal regime of lands, based on the concepts of the land parcel, the legal status of the land parcel, the purpose of the land has priority over the legal regime of the land parcel.

The land use system of the **Republic of Uzbekistan** is characterized by the absence of a legal institution of permitted use. Unlike most other CIS countries, land parcels in the Republic of Uzbekistan, according to Articles 8, 9, 10 of the LC of the Republic of Uzbekistan, are assigned to the land fund, which is divided into categories of land in accordance with the main purpose of the land, 'reflected' in the land cadastral documentation.

At the same time, land is 'national wealth, subject to rational use and protected by the state as the basis of life, activity and well-being of the people of the Republic of Uzbekistan'.

A land parcel is 'a part of the land fund that has a fixed border, area, location, legal regime and other characteristics reflected in the state land cadastre'.

The main purpose of land is 'the procedure and conditions established by law for the use of land for specific purposes, reflected in the land cadastre documentation'.

Restrictions are specified in Articles 29 (in Article 29 – as an open list of 'encumbrances") and 42 (a general indication of the restriction of rights to a land parcel only in accordance with the law) of the LC RU.

It follows from the above concepts that the concepts of land, land fund, and purpose are not coordinated with each other and their legal regime is not sufficiently clear.

So, if land is a national wealth, a land parcel is part of the land fund (the concept of which is absent in the LC RU), the main purpose of land is the procedure and conditions for using land for purposes in land cadastral documentation, then what is the connection between land, purpose and land parcel?

What has priority, the legal regime of lands, for example, the content of the norms on the category of land fund 'lands of settlements', or the legal regime of a land parcel (for example, a type of encumbrance of a land parcel, a ban on a separate type of activity)?

The relationship between the legal regime of land and the legal regime of land parcels, restrictions and encumbrances remains unclear and needs to be investigated.

An example of a more successful (in terms of consistency of the conceptual apparatus) implementation of the concept of the land fund is presented in the land legislation of the **Republic of Tajikistan**.

Thus, according to Article 1.2 of the LC of the Republic of Tajikistan, the unified state land fund is 'a set of land parcels located on the territory of the Republic of Tajikistan, which consists of certain categories of land parcels with a certain purpose'.

A land parcel is 'a part of land with certain rights in relation to it, which has a certain category and permitted type of use, fixed boundaries, area and location'.

The category of land is 'a part of the Unified State Land Fund allocated for the main purpose, having a certain legal regime'.

The purpose of the land is 'the use of land parcels for the purposes specified in the documents certifying the right to the land parcel'.

There are no concepts of the legal regime of lands, the legal regime of a land parcel, lands, restrictions of rights to land parcels.

Restrictions are specified in the blank norm, Article 46 of the LC of the Republic of Tatarstan, according to which the protection of the right to use a land parcel is carried out, among other things, by 'establishing in the law an exhaustive list of cases of termination or restriction of the right to use a land parcel by the state' and 'establishing in the law guarantees of protection of the right to use a land parcel in the event of their termination or restriction'.

The ratio of the legal regime of land and the legal regime of land parcels is not defined.

Criteria for land use – the intended purpose, the permitted type of use, restrictions on the right to use the land.

Despite the external similarity of land legislation and the common Soviet generic legal system of the CIS countries, different types of land use have been adopted in the CIS countries, which often use similar concepts. Common problems for the land legislation of the CIS countries are inconsistency and lack of conceptual apparatus, differentiation of legal regimes of lands and land parcels in various regulatory legal acts.

The coordination of the system of concepts of land legislation, sufficient disclosure of their correlation and influence on the legal regime of lands and land parcels, the study of law enforcement acts of the existing land legislation of the CIS countries at the level of judicial practice are promising topics for further research and necessary actions to implement the declared goals of the EAEU.

Let's consider the achievements of the Russian scientific doctrine in terms of a more in-depth study of the legal regime of lands, the legal regime of land parcels and their relationship.

Russian scientific doctrine

The Russian scientific doctrine in terms of the definition of LRL, LRLP and their relationship is more conceptually developed than the scientific doctrines of the CIS countries. So, it gives a number of definitions of LRL and LRLP, and, in some cases, the relationship between them is determined.

In this study, due to the obvious requirements for the format of a scientific article, we are primarily interested in the concepts of LRL, LRLP and their relationships, and not, say, the history of the development of LRL, LRLP and their elemental composition. More details about the history and elemental composition can be found in the already mentioned work.

LRL in the Soviet and Russian scientific literature is defined as:

the status of the rights and obligations of land administration bodies in relation to land, their performance of their main functions – administrative, jurisdictional and regulatory [Evtihiev, 1929];

the order of possible (proper) behavior in relation to the land, state management of the land fund, land use, land protection [Iconitskaya & Krasnov, 1983: 346];

traditionally, based on the belonging of land to a particular category of land and permitted use in accordance with Part 2 of Article 7 of the RF LC, without constructing a concept or construction in accordance with Article 7 of the RF LC. This interpretation is mentioned in the studies of such scientists as Krassov O. I. [Krassov, 2012: 16–21], Efimova E. I. [Efimova, 2022], Cherednikov A. V. [Nikishin & Cherednikov & Nikishin, 2021], Volkov G. A. [Volkov, 2005], Bandorin L. E. [Bandorin, 2015: 46–53; Bandorin, 2012: 19–26], Zolotova O. A. [Zolotova, 2015], Sutyagin M. D. [Sutyagin, 2022], Kozyr O. M. [Kozyr, 2005: 27–34], Lipsky S. A. [Lipsky, 2019], Anisimov A. P., Melnikov N. N., [Anisimov & Melnikov, 2013: 27–35], Reznikov E. V. [Reznikov, 2021];

'definition in the legislation of the content of ownership rights, other rights to land parcels, management of use and protection of land, measures for the protection of land, by establishing the main purpose of land, territorial zoning, restriction of rights, public easements and establishment of permitted use, including in this definition, including the criterion of restrictions on the rights of owners land parcels' [Krassov, 2003];

'the possible and proper behavior established by the norms of law in relation to land as an object of ownership and other rights to land parcels, an object of state land management and an object of legal protection of land as a natural resource that performs the most important socio-economic functions defined by the Constitution of the Russian

Federation – the foundations of the life and activities of peoples living in the relevant territory' [Iconitskaya, 1999: 181].

Thus, the Soviet and Russian scientific doctrine defines the legal regime of land as the status of the rights and obligations of land administration bodies; possible and proper behavior towards land as an object of land relations; the order of possible and proper behavior towards land; based on the belonging of land to a particular category of land and the permitted use; determination of the content of rights to land parcels, management of land use and protection through the establishment of target values, permitted use, zoning and restriction of the rights of land owners; the order of use and protection.

These definitions are differentiated, but include the following criteria:

1) regulation at the level of the law;
2) use and protection of land;
3) the purpose of the land;
4) permitted use of land;
5) restrictions on land rights;
6) land management;
7) rights and obligations of land users;
8) rights and obligations of management bodies.

Thus, there is no single concept of LRL in the Russian scientific doctrine, however, there are a number of proposed concepts and, as a rule, not directly specified, but following from the concepts themselves criteria for their allocation. There is a 'traditional' concept of LRL, based on Article 7 of the RF LC.

LRLP in the Soviet and Russian scientific literature is defined as:

'the scope of the rights and obligations of the land owner, landowner, land user, land tenant, actions that can be taken with a specific land parcel and which are prohibited in relation to it' [Efimova, 2022: 20–25];

'the possible and proper behavior established by the norms of law in relation to the land as an object of property rights and other rights to land parcels, the object of state land management and the object of legal protection of the land as a natural resource that performs the most important socio-economic functions defined by the Constitution of the Russian Federation – the basis of life and activity of the peoples living in the relevant territory' [Iconitskaya, 1999: 181];

'a special order of legal regulation consisting of the systemic unity of civil law (civil component) and public law (public law component) means that create such a legal state of protected areas when the use of land in protected areas, as well as their property turnover are associated with the preservation of rare and unique ecological systems' [Luneva, 2018].

Thus, the scientific doctrine defines the legal regime of a land parcel as the scope of the rights and obligations of the rightholder, possible and proper behavior, a special order of legal regulation, considering the LRLP more as an integral part of the LRL than as a separate legal category. There is no unified definition of LRLP in the Russian scientific doctrine, which is largely due to the long-standing dispute about which branch of law, civil or land, is a land parcel [Anisimov & Melikhov, 2008].

In terms of the ratios of LRL and LRLP, direct conclusions about the ratio, as a rule, are absent. Only the interrelations of the elements of LRL and LRLP have been established, but not LRL and LRLP as a whole.

As a rule, the interrelationships of the elements of the LRL and LRLP are established during the study of the issues of individual security zones, and affect the question of the elemental composition of the LRL and LRLP , which is a topic for a separate study.

Examples of such relationships:

there is no relationship and subordination between different types of ecological zoning [Sutyagin, 2022];

'the legal regime of protected zones applies to all land parcels, regardless of the type of their permitted use and the fact of the presence or absence of urban planning regulations' [Zolotova, 2015];

'the legal regime of protected zones has priority over the legal regime of a land parcel within its borders, since it is established in the public interest – for the safety of the population, protection of the right to a favorable environment' [Zolotova, 2015];

the restrictions imposed by the legal regime of protected zones do not change the category and type of permitted use of the land parcel [Zolotova, 2015];

the legal regime of lands and land parcels forms the legal regime of real estate, which includes both rights and obligations regarding the use of the land parcel and rights and obligations regarding its development [Zolotova, 2015];

'the legal regime of lands is determined not only based on the category of lands and the type of permitted use, but also based on the legal regime of ecological zones' [Averyanova, 2022];

the legal regime of territorial zones and environmental zones determines the legal regime not only of land parcels, but also of capital construction objects located on them [Averyanova, 2022];

the legal regime of zones with special conditions for the use of territories is universal [Averyanova, 2022];

'the special legal regime of land parcels can be established by means of zoning, and not only by establishing zones with special conditions for the use of territories, but, for example, by establishing environmental disaster zones and emergency zones, special economic zones, territorial development zones, etc.' [Averyanova, 2022];

the legal regime of zones may include lands, parts of land parcels, land parcels on which land parcels are not formed, may cross the borders of several administrative-territorial entities (settlements, municipalities) [Vorontsova & Zaslavskaya, 2019].

Thus, in the Soviet and Russian scientific doctrine, the ratios of only individual elements of LRL and LRLP are determined, but not LRL and LRLP as a whole. There is no common understanding of the ratio of LRL and LRLP.

Conclusion

Summarizing the above, the concepts of LRL and LRLP have been developed in the Soviet and Russian scientific doctrine. However, they are differentiated in nature, they are not coordinated with each other. The issues of the correlation of LRL and LRLP, the allocation of criteria and the study of the concepts of LRL and LRLP for the presence of criteria, and even more so their implementation in the current legislation, have not been adequately studied.

The scientific doctrine of the CIS countries is mainly devoted to the regime of individual security zones, other individual elements of the LRL and LRLP.

For a proper level of elaboration of the issue of LRL, LRL and their ratios should be determined:

criteria for the allocation of LRL and LRLP;

the ratio of LRL and LRLP;

the concepts of LRL and LRLP. Preferably taking into account the restrictions of rights to land parcels and the powers of public authorities for the management and protection of land;

the sectoral and intersectoral nature of the LRL and LRLP, especially in terms of the interaction of civil, land, environmental, special (for example, legislation on special economic zones) legislation;

options for the implementation of the LRL and LRL concepts in the land constitutional and federal (republican) legislation.

At this stage of the development of the scientific doctrine of the CIS countries, these issues have not been sufficiently disclosed.

In addition to the above issues highlighted by the author and other scientists, it makes sense to indicate other directions of development, since with all the desire, it will not be possible to fit into one scientific article the complex of studies necessary for the development and implementation of a unified management system of LRL and LRLP, which the author wants to develop and implement (or improve existing legal instruments to such an extent in order to assemble the necessary system from them, the question 'which approach is more optimal' also needs to be investigated).

These are such areas of development as:

1) search for authors in Russia and abroad studying the issues of LRL and LRLP. The problems of this issue are complicated by the absence of many authors in the free access, since the level of the issues raised is the level of monographs, master's, PhD, doctoral dissertations, as well as the disclosure of the issues under study in studies on local issues in relation to LRL and LRLP. A classic example that could be observed throughout the article is the study of security zones;

2) allocation of new criteria for LRL and LRLP. In many ways, they depend on economic needs and available technologies. For example, technologies that allow you to quickly and cheaply put land parcels on cadastral registration will provide the legislator and public authorities with a better quality to establish and change public legal restrictions on land parcels, a classic example is security zones. Second possible example it is security air zones that will be able to get their development, with the introduction of technologies to track the passage of unmanned aerial vehicles (drones). Tracking such technologies and changing the criteria for the allocation of elements of LRL and LRLP or LRL and LRLP in general is an inexhaustible topic for research (the main thing is not to get carried away and not to conduct research for the sake of research);

3) study of the consequences of the introduction of the concepts of LRL, LRLP, public-law restrictions in the current legislation. In part:

the cost of money and time of the rightholders of land parcels to establish and change their legal regime;

the costs of the state for the detection and suppression of violations, the needs of public authorities in the information of LRL and LRLP, restrictions on the rights to land parcels for the performance of their powers;

defects that hinder the operation of the mechanisms of LRL, LRLP, public-legal restrictions. For example, at the moment the introduction of new security zones is impractical, since even the mechanism of security zones introduced five years ago is subject to numerous defects that negatively affect the rights of land users.

What about its expansion or the introduction of new large-scale restrictions? Such expansion may be very difficult to develop and realize, if speak softly;

4) research on the suitability and unsuitability of the use of land use systems of different countries and legal systems to each other;

5) study of the possibility of informatization of the establishment and modification of LRL and LRLP. The study of the problems and effectiveness of existing information systems designed to establish and change LRLP;

6) study of the doctrine and judicial practice of both the CIS countries themselves and in the interaction between them (a question at the intersection of international and land law);

7) research to learn more about the land and improve its manageability.

Thus, the legal regime of lands and the legal regime of land parcels, public legal restrictions are fragmentally and differentially established by the legislation of the CIS countries, but have not been properly studied by scientific doctrine. There are many perspective areas of research for creating a unified management system for the legal regime of lands and the legal regime of a land parcel.

References

Anisimov, A. P. & Melikhov, A. I. (2008) Pravovoj rezhim zemel'nyh uchastkov: novyj mezhotraslevoj podhod k sootnosheniyu norm grazhdanskogo i zemel'nogo prava [Legal regime of land plots: a new intersectoral approach to the correlation of civil and land law norms]. *Pravo i ekonomika*. 12. (in Russian)

Anisimov, A. P. & Mel'nikov, H. H. (2013) Sistemno-strukturnyj analiz kategorij «celevoe naznachenie» i «razreshennoe ispol'zovanie» v prirodoresursnyh otraslyah prava [Legal regime of land plots: a new intersectoral approach to the correlation of civil and land law norms]. *Zhurnal rossijskogo prava*. 11, 27–35. (in Russian)

Auganbaj, A. K. (2020) *Osobennosti pravovogo rezhima zemel' istoriko-kul'turnogo naznacheniya v Respublike Kazahstan* [Cifrovaya ekonomika – obrazovaniyu i nauke soyuznogo gosudarstva Belarusi i Rossii]. Minsk: Belorusskij gosudarstvennyj agrarnyj tekhnicheskij universitet. 31–35. (in Russian)

Averyanova, N. N. (2022) Zonirovanie zemel' i territorij po zakonodatel'stvu Rossijskoj Federacii [Zoning of lands and territories under the legislation of the Russian Federation]. *Ekologicheskoe pravo*. 3. (in Russian)

Bandorin, L. E. (2012) Razreshennoe ispol'zovanie zemel'nyh uchastkov: terminy i opredeleniya [Permitted use of land plots: terms and definitions]. *Ekologicheskoe pravo*. 4, 19–26. (in Russian)

Bandorin, L. E. (2015). Razreshennoe ispol'zovanie zemel'nyh uchastkov: problemy ponimaniya sushchnosti opredeleniya [Permitted use of land plots: problems of understanding the essence of definition]. *Imushchestvennye otnosheniya v Rossijskoj Federacii*. 12, 46–53. (in Russian)

Cherednikov, A. V. & Nikishin, V. V. (2021) Opredelenie pravovogo rezhima nedvizhimosti v rossijskom zakonodatel'stve [Definition of the legal regime of real estate in Russian legislation]. *Rossijskij yuridicheskij zhurnal*. 1. (in Russian)

Chernova, O. (2014) Osobennosti pravovogo regulirovaniya zemel' prirodoohrannogo naznacheniya v Respublike Belarus' [Peculiarities of legal regulation of lands of nature protection purpose in the Republic of Belarus]. *Organizacionno-pravovye aspekty innovacionnogo razvitiya APK*. 11. (in Russian)

Efimova, E. I. (2022) Rol' territorial'nogo zonirovaniya v pravovom rezhime zemel' [The role of territorial zoning in the legal regime of land]. *Ekologicheskoe pravo*. 2. (in Russian)

Evtihiev, I. I. (1929). *Regulirovanie zemel'nyh otnoshenij v gorodah* [Regulation of land relations in cities]. Gorki. (in Russian)

Iconitskaya, I. A. & Krasnov, N. I. (1983) *Obshchaya teoriya sovetskogo zemel'nogo prava* [General Theory of Soviet Land Law]. Moscow: Nauka. 346. (in Russian)

Iconitskaya, I. A. (1999). *Zemel'noe pravo Rossijskoj Federacii* [Land Law of the Russian Federation]. Moscow: Yurist. 181. (in Russian)

Kaizhrakparova, A. B. (2020) Stanovlenie i razvitie zakonodatel'stva v oblasti osobo ohranyaemyh prirodnyh territorij Respubliki Kazahstan [Establishment and development

of legislation in the field of specially protected natural territories of the Republic of Kazakhstan]. *Vestnik Instituta zakonodatel'stva i pravovoj informacii Respubliki Kazahstan*. 3 (61). (in Russian)

Kiseleva, A. O. & Il'inykh, A. L. (2016) K voprosu ob otmene kategorij zemel' po celevomu naznacheniyu i racional'nomu ispol'zovaniyu zemel' [On the issue of abolition of land categories by purpose and rational use of lands]. *Sovremennye voprosy zemleustrojstva, kadastra i monitoringa zemel'*. 65–69. (in Russian)

Kozyr', O. M. (2005). Osobennosti pravovogo rezhima zemel' poselenij [Peculiarities of the legal regime of lands of settlements]. *Ekologicheskoe pravo*. 1, 27–34. (in Russian)

Krassov, O. I. (2003). Ponyatie i soderzhanie pravovogo rezhima [The concept and content of the legal regime]. *Ekologicheskoe pravo*. 1, 20–25. (in Russian)

Krassov, O. I. (2012) Razreshennoe ispol'zovanie i konkretnoe celevoe naznachenie zemel'nogo uchastka [Permitted use and specific purpose of the land plot]. *Ekologicheskoe pravo*. 2, 16–21. (in Russian)

Lastochkina, S. I. (2022). *Sub"ekty i osobennosti prav yuridicheskih lic na zemli sel'skohozyajstvennogo naznacheniya v Respublike Belarus'* [Subjects and peculiarities of the rights of legal entities to agricultural land in the Republic of Belarus]. *Chetvertye civilisticheskie chteniya pamyati professora M. G. Proninoj*. Minsk: Akad. upravleniya pri Prezidente Respubliki Belarus'. 205–209. (in Russian)

Lipsky, S. A. (2019). Tendencii v izmenenii podhodov zakonodatelya k ustanovleniyu i obespecheniyu pravovogo rezhima zemel'nyh uchastkov [Trends in changes in the legislator's approaches to establishing and ensuring the legal regime of land plots]. *Pravovye voprosy nedvizhimosti*. 2. (in Russian)

Luneva, E. V. (2018) *Pravovoj rezhim zemel'nyh uchastkov v osobo ohranyaemyh prirodnyh territoriyah* [Legal regime of land plots in specially protected natural territories]. Moscow: Statut. (in Russian)

Narysheva, N. G. (2022). *Perspektivy nauchnyh issledovanij ponyatiya «pravovoj rezhim zemel'»* [Prospects of scientific research on the concept of 'legal regime of lands']. *Aktual'nye problemy ekologicheskogo, zemel'nogo prava i zakonodatel'stva* [Current problems of environmental, land law and legislation]. Moscow: Izd-vo Moskov. un-ta, 221–222. (in Russian)

Reznikov, E. V. (2021) Zemel'nye spory. Osobennosti sudebnogo pravoprimeneniya Konstitucionnogo i Verhovnogo sudov Rossijskoj Federacii: prakticheskoe issledovanie [Land disputes. Peculiarities of judicial law enforcement of the Constitutional and Supreme Courts of the Russian Federation: a practical study]. *Sfera.* (in Russian)

Sutyagin, M. D. (2022) Zonirovanie territorij i razreshennoe ispol'zovanie zemel' kak sposob opredeleniya pravovogo rezhima zemel' i zemel'nyh uchastkov [Zoning of territories and authorized use of lands as a way to determine the legal regime of lands and land plots]. *Aktual'nye problemy rossijskogo prava*. 6. (in Russian)

Volkov, G. A. (2005) Pravovye problemy razgranicheniya zemel' na kategorii po celevomu naznacheniyu [Legal problems of delimitation of lands into categories by target purpose]. *Ekologicheskoe pravo*. 2. (in Russian)

Vorontsova, A. A. & Zaslavskaya, N. M. (2019) Pravovoj rezhim zon s osobymi usloviyami ispol'zovaniya territorii [Legal regime of zones with special conditions for the use of territory]. *Ekologicheskoe pravo*. 2. (in Russian)

Voronova, V. Yu. (2019) Pravovoj analiz otmeny deleniya zemel' na kategorii i perekhod k territorial'nomu zonirovaniyu [Legal regime of zones with special conditions of use of the territory]. *Vestnik Magistratury*. 11-4 (98), 160–162. (in Russian)

Zolotova, O. A. (2015). Pravovoe regulirovanie rezhima zemel' ohrannyh zon: osnovnye voprosy sudebnoj praktiki [Legal Regulation of the Land Regime of Protection Zones: Main Issues of Judicial Practice]. *Sud'ya*. 9. (in Russian)

Библиографический список

Аверьянова Н. Н. Зонирование земель и территорий по законодательству Российской Федерации // Экологическое право. – 2022. – № 3. – С. 29–32.

Анисимов А. П., Мелихов А. И. Правовой режим земельных участков: новый межотраслевой подход к соотношению норм гражданского и земельного права // Право и экономика. – 2008. – № 12. – С. 5.

Анисимов А. П., Мельников Н. Н. Системно-структурный анализ категорий «целевое назначение» и «разрешенное использование» в природоресурсных отраслях права // Журнал российского права. – 2013. – № 11. – С. 27–35.

Ауганбай А. К. Особенности правового режима земель историко-культурного назначения в Республике Казахстан // Цифровая экономика – образованию и науке Союзного государства Беларуси и России. – Мн.: Белорус. гос. аграр. тех. ун-т, 2020. – С. 31–35.

Бандорин Л. Е. Разрешенное использование земельных участков: проблемы понимания сущности определения // Имущественные отношения в Российской Федерации. – 2015. – № 12. – С. 46–53.

Бандорин Л. Е. Разрешенное использование земельных участков: термины и определения // Экологическое право. – 2012. – № 4. – С. 19–26.

Волков Г. А. Правовые проблемы разграничения земель на категории по целевому назначению // Экологическое право. – 2005. – № 2.

Воронова В. Ю. Правовой анализ отмены деления земель на категории и переход к территориальному зонированию // Вестник магистратуры. – 2019. – № 11-4 (98). – С. 160–162.

Воронцова А. А., Заславская Н. М. Правовой режим зон с особыми условиями использования территории // Экологическое право. – 2019. – № 2. – С. 8–12.

Евтихиев И. И. Регулирование земельных отношений в городах. – Горки, 1929. – С. 1.

Ефимова Е. И. Роль территориального зонирования в правовом режиме земель // Экологическое право. – 2022. – № 2.

Золотова О. А. Правовое регулирование режима земель охранных зон: основные вопросы судебной практики // Судья. – 2015. – № 9.

Иконицкая И. А. Земельное право Российской Федерации. – М.: Юристъ, 1999. – С. 181.

Иконицкая И. А., Краснов Н. И. Общая теория советского земельного права. – М.: Наука, 1983. – С. 346.

Кайжакпарова А. Б. Становление и развитие законодательства в области особо охраняемых природных территорий Республики Казахстан // Вестник Института законодательства и правовой информации Республики Казахстан. – 2020. – № 3 (61). – С. 185.

Киселева, А. О., Ильиных А. Л. К вопросу об отмене категорий земель по целевому назначению и рациональному использованию земель // Современные вопросы землеустройства, кадастра и мониторинга земель. – 2016. – С. 65–69.

Козырь О. М. Особенности правового режима земель поселений // Экологическое право. – 2005. – № 1. – С. 27–34.

Крассов О. И. Разрешенное использование и конкретное целевое назначение земельного участка // Экологическое право. – 2012. – № 2. – С. 16–21.

Крассов О. И. Понятие и содержание правового режима // Экологическое право. – 2003. – № 1.

Ласточкина С. И. Субъекты и особенности прав юридических лиц на земли сельскохозяйственного назначения в Республике Беларусь // Четвертые цивилистические чтения памяти профессора М. Г. Прониной. – Мн.: Акад. управления при Президенте Республики Беларусь, 2022. – С. 205–209.

Липски С. А. Тенденции в изменении подходов законодателя к установлению и обеспечению правового режима земельных участков // Правовые вопросы недвижимости. – 2019. – № 2.

Лунева Е. В. Правовой режим земельных участков в особо охраняемых природных территориях: моногр. – Екатеринбург; М.: Статут, 2018. – С. 89.

Нарышева Н. Г. Перспективы научных исследований понятия «правовой режим земель» // Актуальные проблемы экологического, земельного права и законодательства: сб. материалов XXV юбилейной Всерос. науч.-практ. конф. – М.: Изд-во Москов. ун-та, 2022. – С. 221–222.

Резников Е. В. Земельные споры. Особенности судебного правоприменения Конституционного и Верховного судов Российской Федерации: практическое исследование // Сфера. – 2021.

Сутягин М. Д. Зонирование территорий и разрешенное использование земель как способ определения правового режима земель и земельных участков // Актуальные проблемы российского права. – 2022. – № 6. – С. 7.

Чередников А. В., Никишин В. В. Определение правового режима недвижимости в российском законодательстве // Российский юридический журнал. – 2021. – № 1.

Чернова О. Особенности правового регулирования земель природоохранного назначения в Республике Беларусь // Организационно-правовые аспекты инновационного развития АПК. – 2014. – № 11. – С. 546–551.

Information about the author

Alexandr A. Sukharev – Postgraduate Student of the Department of Land, Urban Planning and Environmental Law, Ural State Law University named after V. F. Yakovlev (e-mail: suharev_loginor_alexandr@mail.ru).

Информация об авторе

Александр Александрович Сухарев – аспирант кафедры земельного, градостроительного и экологического права Уральского государственного юридического университета им. В. Ф. Яковлева (e-mail: suharev_loginor_alexandr@mail.ru).

Дата поступления в редакцию / Received: 04.12.2023
Дата принятия решения об опубликовании / Accepted: 15.12.2023