

DOI <https://doi.org/10.30525/2592-8813-2022-3-10>

**THE LEGAL MECHANISM OF INTERACTION
OF THE LAND CADASTRE WITH OTHER REGISTERS
UNDER THE LEGISLATION OF UKRAINE AND POLAND**

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Abstract. The article carries out a professional comparative legal analysis of the legislation of Ukraine and Poland in the sphere of regulation of mechanisms of interaction of the land cadastre with other registers. For the completeness and comprehensive presentation of the study, attention was primarily focused on the directions of development of the land cadastre, the legislation regulating the functioning of the land cadastre and other registers was analyzed.

The article reveals the peculiarities of cadastre management in the system of land legal relations of both states, highlights the differences in the basic approaches of modern cadastre in Ukraine and Poland, and emphasizes the trends in the convergence of cadastre systems – by introducing the concepts of spatial object and geospatial data, respectively.

It has been studied that the cadastre system of Poland, unlike the cadastre system of Ukraine, is multifunctional and contains information about land plots and other real estate objects. At the same time, the land cadastre system in Ukraine is currently a full system of information on various types of natural resources (land, forest, water) and contains information on various restrictions (environmental protection, cultural, etc.). At the same time, the functioning of the state land cadastre and other registers in Ukraine is carried out through the mutual exchange of information between the registers.

It has been found that legal disputes in Ukraine related to the cancellation of objects in the relevant registers have their own peculiarities, which consist in the impossibility of applying the norms of procedural legislation regarding the reversal of the execution of a court decision.

Practical problems have been noted at the stage of execution of decisions, for example, in the case of approval of a court decision in absentia, the status of which is special because it is adopted without the participation of one of the parties to the dispute, given the lack of relevant changes in the procedural legislation regarding the category of cases. It has been established that the complexity of the land cadastre in Ukraine and the real estate cadastre in Poland is due to the need for the formation of appropriate measurement standards while preserving the legal and geometric relations between the subject and the object of law.

Summing up, the main trends in the development of cadastral systems of Ukraine and Poland are outlined, it is proved that the land cadastre as an information accounting system at the current stage is moving to a different stage of functioning, which is closely related to the development of digital technologies, and determines the perspective and relevance of the researched topic.

Key words: land cadastre, real estate cadastre, spatial object, geospatial data, multifunctional, three-dimensional cadastral system.

Introduction. The development of digital technologies changes the trends in the development of various spheres of social life. The well-known land cadastre as an information accounting system at the current stage is moving to another round of functioning, associated with the accumulation of an array of various information, which is subject to unification, preservation and normalization with the use of appropriate legal instruments.

The scientific community cannot leave aside the formation of further steps in the development of Ukrainian legislation, despite the complexity of the situation in Ukraine, which is related to the state of war. The most successful in the development of future legislative initiatives is the conduct of comparative legal studies, for example, on the example of Poland, which will allow to outline the trends in the development of legal regulation of the functioning of the cadastre of Ukraine and Poland, and to develop relevant legal initiatives.

Analysis of recent researches and publications. The study of the functioning of the cadastre system in Ukraine and Poland was paid attention to in their works by Kempa O. (Kempa, 2017; 50-57), Bieda A., Bydłozz Ja., Dawid L., Dawidowicz A., Głanowska M., Gózdź K., Przewięzlikowska A., Stupen M., Taratula R., Źróbek R, (Bieda, Bydłozz, Dawid, Dawidowicz, Głanowska, Gózdź, Przewięzlikowska, Stupen, Taratula, Źróbek, 2015; 1-168), Shipulin V.D. (Shipulin, 2016; 220) and a number of other authors. However, the introduction of the latest forms of registers and changes in trends regarding their functioning, which is caused by the development of digital technologies, continues to keep the relevance and perspective of this topic in research in the field of law.

The purpose of the article is to study the legal mechanism of the interaction of the land cadastre with other registers under the modern legislation of Ukraine and Poland and outline the trends of their development.

The main material. The idea of a cadastre is not new, according to the general interpretation, a cadastre is a description and summary of information about something. The development of the cadastre is closely related to the development of society, its needs and technological capabilities.

Today, in Ukraine, we are witnessing a transition from a statistical cadastre divided by industry (land cadastre, water cadastre, forest cadastre, etc.) to a multifunctional cadastre information system. Currently, scientists classify the cadastre into three categories – "fiscal cadastre (tax cadastre) ... the main purpose is the description of immovable property for the purpose of determining the amount of taxation ... legal cadastre (legal cadastre) ... while the registry system guarantees ownership, the cadastre guarantees the application surveying, which includes the localization, dimensions and boundaries of immovable property, the multi-purpose cadastre can be considered as a public, operationally and administratively integrated land data system, which contains in a permanent and accessible form clear information about the land at the level of "immovable unit" (Shipulin, 2016; 142).

The Law of Ukraine "On Public Electronic Registers," approved in 2021 unified the concept of cadastral registers as basic registers that "ensure the one-time collection of information about the object of the register (its legal status) for the purpose of repeated use as legally binding, reliable and up-to-date information about such object of the register (its legal status) in other registers and/or national electronic information resources during the performance of licensing activities, the provision of administrative, social and other public services, the performance of other management activities and the implementation of state regulation" (Article 6) and included among them the "Unified State Demographic Register; Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations; State Land Cadastre; Unified state register of vehicles; Register of buildings and structures; Unified state register of addresses; State Register of Real Property Rights" (Law No. 1907-IX).

Therefore, the State Land Cadastre, the Register of Buildings and Structures, and the State Register of Real Property Rights are separate types of registers, the functioning of which is regulated by various legal acts. The functioning of the state land cadastre is regulated by the provisions of the Law of Ukraine "On the State Land Cadastre (Law No. 3613-VI), on the other hand, the legal regulation of the State Register of Rights is determined by the Law of Ukraine "On the State Register of Property Rights to Immovable Property and Their Encumbrances" (Law No. No. 1952-IV). However, the legal regulation of the relevant systems is connected not only with the normative regulation of the systems' operation, but also with the relevant types of objects subject to inclusion in the registers.

According to Art. 10 of the Law of Ukraine "On the State Land Cadastre", the objects of the cadastre are lands within the state border of Ukraine, lands within the boundaries of administrative-territorial units and territories of territorial communities, land use restrictions, land reclamation networks and their constituent parts. Detailing each of the individual types of objects, the legislator also determined the list of information that must be entered into the State Land Cadastre. Thus, entering information on the description of boundaries and restrictions on land use involves establishing the boundaries of cultural heritage monuments, protection zones, objects of cultural world heritage, buffer zones, historical areas of inhabited places, protected archaeological territories, historical and cultural reserves and historical cultural protected areas (Article 14 of the Law No. 3613-VI). In the case of the formation of information about land within the territories of administrative territorial units, it is provided for entering information about land categories and their areas, contours, coordinates of turning points, geometric parameters, names, addresses of buildings, structures and engineering networks, identifiers of construction objects and completed construction facilities, information on acceptance into operation of facilities completed by construction, information on regulatory monetary valuation, etc. (Article 13 of the Law No. 3613-VI).

In accordance with the regulation of the operation of the State Land Cadastre system, a number of other normative legal acts are also applied, in particular the Law of Ukraine "On Regulation of Urban Development", the Forest (Law No. 3852-XII) and Water (Law No.213/95-BP) Codes of Ukraine, the Code of Ukraine on Subsoil (Law No. 132/94-BP), the Law of Ukraine "On Protection of Cultural Heritage" (Law No. 1805-III), etc. At the same time, the expansion of the types of information required for entry, provided for in the Resolution of the Cabinet of Ministers of Ukraine No. 1051 of October 17, 2012, "On Approval of the Procedure for Maintaining the State Land Cadastre" (Resolution of the Cabinet of Ministers of Ukraine No. 1051), will expand the scope of legal acts that will be applicable to the data of the State Land Cadastre cadaster.

Modern technological capabilities have defined the State Land Cadastre as a geoinformation system that is closely connected with other systems through an interaction mechanism. This form of functioning of registers found its expression in Art. 31 of the Law of Ukraine "On the State Land Cadastre".

However, scientists note that the key position of the state land cadastre also necessitates the formation of "conditions for the compatibility of data, the joint use of some of them, data exchange and the construction of a spatial data infrastructure...the standard of the domain of land administration" (Shipulin, 2016; 27) and the determining factor for this is " Directive 2007/2/EC of the Council of Europe of March 14, 2007 INSPIRE (Infrastructure for Spatial Information in the European Community), which aims to create a spatial information infrastructure to support public environmental policy and policies or activities that may affect the environment." (Shipulin, 2016; 29).

A relevant step in this direction was the adoption in 2020 of the Law of Ukraine "On the National Infrastructure of Geospatial Data" (Law No. 554-IX), which included land plots, hydrography, nature conservation areas and objects, terrain, land cover, buildings and structures in the list of geospatial data sets , types of land use, etc. Note that "a spatial unit (spatial unit) is one or several areas of land and/or water, one or several volumes of space...spatial units are structured in such a way as to support the creation and management of basic administrative units...this standard supports 2-dimensional (2D), 3-dimensional (3D), or mixed (2D and 3D) representation of spatial units" (Shipulin, 2016; 159).

Therefore, the complexity of the land cadastre is due to the need to form appropriate measurement standards while preserving the legal and geometric relations between the subject and the object of law.

So, for example, in Art. 79-1 of the Land Code of Ukraine (Law No. 2768-III) provides that a land plot ceases to exist as an object of civil rights, and its state registration is canceled in the event of cancellation of the state registration of a land plot on the basis of a court decision as a result of the recognition of such state registration as illegal, while the court decision on the cancellation of the state registration of a land plot is allowed only with the simultaneous termination by such a decision

of all property rights, their encumbrances, registered in relation to such a land plot (if such rights, encumbrances exist). In the case of such a decision, the land plot acquires the status of archival and the sections of the State Land Cadastre (Land Book) and the State Register of Rights are closed and are not subject to renewal.

Therefore, with this norm, the legislator interconnected several separate registers, at the same time established the impossibility of reversing the execution of the court decision and did not determine the sequence of execution of such a court decision, relying on the logic of the executors. In our opinion, the complexity of legal disputes of this category lies in the need for the parties to the dispute to clearly understand the legal consequences of the decisions made regarding the objects of the relevant registers.

At the same time, the interaction of the State Land Cadastre and the State Register of Real Property Rights systems (Article 30 of the Law of Ukraine "On the State Land Cadastre") makes it possible to obtain information about cadastre objects and registered real property rights in real time.

The legislator also provided in paragraph 4 of the third part of Article 10 of the Law of Ukraine "On the State Register of Property Rights to Immovable Property and Their Encumbrances" that the use of additional data from the State Land Cadastre and the Unified State Electronic systems in the field of construction and information of other registers (cadastres), automated information systems in the order of information interaction, too.

So, the systems of registers in Ukraine regarding land, real estate, rights, etc. are isolated, but they function in interaction modes, and sometimes in real time modes. This form of functioning of the registers emphasizes the need for the compatibility of legal regulations on the operation of systems with their technological capabilities. Moreover, legal disputes related to the cancellation of objects in the relevant registers have their own peculiarities, which consist in the impossibility of applying the rule of procedural legislation regarding the reversal of the execution of a court decision. At the same time, the legislator did not initiate changes to procedural codes in this category of litigation, which causes problems in their implementation in practice, for example, in the case of approval of a court decision *in absentia*, the status of which is special because it is adopted without the participation of one of the parties to the dispute.

As for the registry systems of Poland, it should first of all be noted here that "cadastral systems in Europe are based on the principle of recording the mutual relations between spatial objects (for example, plots), the rights imposed on them, and the subjects who have the right to these rights" (Bieda, Bydłosz, Dawid, Dawidowicz, Glanowska, Gózdź, Przewiężlikowska, Stupen, Taratula, Źróbek, 2015; 118). Accordingly, the direction of development of the cadastre in Poland is closely related to convergence with the cadastral systems of Europe.

When studying the issue of the functioning of the cadastre system in Poland, it should first of all be noted that the Law of May 17, 1989 – Geodetic and Cartographic Law (Law of 17 maja 1989), the Law of August 21, 1997 on Real Estate Management belong to the key legal acts applied in this area by property (Law of 21 August 1997), Law of July 6, 1982 on land and mortgage registries and mortgages (Law of 6 July 1982), Law of April 23, 1964 – Civil Code (Law of 23 April 1964), Law of July 7, 1994 – Construction Law (Law of 7 July 1994), Law of July 18, 2001 – Water Law (Law of 18 July 2001), Law of March 4, 2010 on Spatial Information Infrastructure (Law of 4 March 2010).

The Law of May 17, 1989 – Geodetic and cartographic law (Law of 17 May 1989) regulates relations regarding land and building registration, integrated real estate information system, soil classification of land, demarcation of real estate, etc. In accordance with the provisions of Art. 24b of this Law allows the creation and maintenance of an integrated real estate information system, "in particular: 1) maintaining a centralized repository of copies of land and cadastral data and buildings; 2) monitoring on the scale of individual voivodships and the entire united country and the quality of data sets for accounting for land and buildings; 3) data exchange in the form of electronic documents between records of land and buildings and other public registers – the official register of the territorial organization of the country, the national official register of subjects of the national economy,

the national system of producers, as well as the transmission in the form of documents of electronic notifications about the changes made to the data in individual public registers relating to other public registers included in the unified information system on real estate; 4) execution by courts of the land register of checks referred to in Art. 6268 § 4 of the Civil Procedure Code" (Law of 17 May 1989).

The Law of August 21, 1997 on the management of immovable property introduced such terms as land ownership, real estate resources into the legal dictionary, distinguished the concepts of land plot and land plot for construction. So, according to Art. 4 of the Law, under land property, the legislator understands land with component parts, with the exception of buildings and premises, if they are separate property objects, instead, real estate resource is real estate that is the property of the State Treasury, commune, county or voivodeship and has been transferred for indefinite use (Law of 21 August 1997).

As for the land plot, here the legislator determined that the land plot should be understood as an indivisible, continuous part of the land plot, which constitutes part or all of the land property, while the development plot is a built-up land plot whose size, geometric features, access to public roads and equipping with technical infrastructure devices allow the correct and rational use of buildings and equipment located on this site (art. 4 of Law of 21 August 1997).

The legislator formed the basic principles of real estate management, which included the registration of a land plot, building, and independent premises, by approving the Law of August 21, 1997 on real estate management.

At the same time, scientists note that this approach to the formation of the real estate system (real estate cadastre) is a departure from traditional forms of the register, "a plot without spatial objects placed on it does not need penetration into the third dimension, and it is enough to register its position on the projection plane... when several users use different "fragments" of the plot space, this confirms the problems in determining the scope of rights and the need to make changes to civil legislation." (Bieda, Bydłosz, Dawid, Dawidowicz, Głanowska, Gózdź, Przewięzlikowska, Stupen, Taratula, Żróbek, 2015; 119).

Instead, to date, the provisions of the Civil Code of Poland define real estate as a part of the land that constitutes a separate object of ownership (land plot), as well as buildings permanently attached to the land plot of related or parts of such buildings, if this is provided for by special provisions constitute an object of ownership separate from the land (art. 46, Law of 23 April 1964).

O. Kempa draws attention to the fact that in Poland the cadastre is currently developing in two projections, the formation of a "multifunctional cadastre, which will combine the basic cadastre, land cadastre and tax data into a single integrated system and the possibility of creating a 3D cadastre... to be able to collect information about real estate on a plane (map), ... record information in space – subway, balconies, mines" (Kempa, 2017; 55).

Moreover, in the Law of March 4, 2010 on Spatial Information Infrastructure, the legislator has already formed the concept "spatial object is an abstract image of an object, physical phenomenon or event associated with a certain place or geographical area" (art. 3 of Law of 4 March 2010)

As the researchers note in Poland, a three-dimensional real estate cadastral system is currently being implemented, which will preserve "multi-level legal and geometric relations between the subject and the object of the law ... registration of spatial plots (3D) and related rights in the cadastre can be carried out with the help of one from three methods – geometric, mixed (hybrid) and indirect ... dimensional inventory objects, as well as rights of a temporal and spatial nature, established on someone else's property" (Bieda, Bydłosz, Dawid, Dawidowicz, Głanowska, Gózdź, Przewięzlikowska, Stupen, Taratula, Żróbek, 2015; 115), while the cadastre model itself currently includes "eight thematic packages: General object, Data about the subject, Data about the subject, Property rights, Address, Border point, Lease and Legal basis" (Bieda, Bydłosz, Dawid, Dawidowicz, Głanowska, Gózdź, Przewięzlikowska, Stupen, Taratula, Żróbek, 2015; 108), which indicates its multifunctional nature.

This format of the transition to a multifunctional cadastre in 3D dimension in Poland is primarily due to the development of digital technologies, allows for the possibility of preserving the durability of registry objects, the formation of layered use of immovable property, engineering and other types of infrastructure, with a defined scope of rights, and the possibility of further formation of a complete unified system geospatial data. Accordingly, technological trends in the formation of the latest forms of cadastre/registers will also cause the need for legislative changes. Since, the durability of the object of legal relations is directly related to the normative legal act and the form of preservation of information about the object and relations to it.

Conclusions. The cadastral systems of Ukraine and Poland are built on basic and traditional cadastre models, the main purpose of which is to register the legal status of real estate objects and support their management processes. At the same time, there are currently changes in the development of registers regarding objects and rights to them, which is closely related to the development of digital technologies and their implementation in modern social life.

Thus, in Poland, the transformation of basic registers into multifunctional registers with the transition to the 3-D dimension is observed. Corresponding steps were taken in Ukraine as well, before the start of hostilities, the data of the state land cadastre system became filled with information not only about land and land plots, rights to them, but also about other natural resources (water, forest, etc.), on the other hand, regarding functioning with other registers, the tendency to apply the principle of information exchange between registers is still maintained.

At the same time, the registers of Ukraine and Poland are maintained in a digital format, their data are constantly updated, which necessitates the attention of the legal environment to the analysis of problems that arise in practice and the development of legal initiatives in this area.

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