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THE ISSUE OF LAND INHERITANCE BY FOREIGN CITIZENS IN UKRAINE

Development of bilateral interstate relations with other countries, Ukraine's accession to multilateral international treaties facilitate both a successful solution of conflicting issues in practice and improvement of cooperation between the competent institutions of different countries dealing with legacy burdened with a foreign element and increasing the global status of Ukraine as a European state.

The lack of elaboration of theoretical problems, its undoubted scientific and practical importance and relevance cause the necessity to conduct a research of existent problems of the theory of inheritance institute in the private international law, one of which – the issue of inheritance of land – is considered in this article.

An analysis of the basic concepts is made, namely “real estate” and “location of property”

on the basis of Article 38 of the Law “On Private International Law” and Article 181 of CC of Ukraine, which enshrines that the estate includes land and facilities located on land whose movement is impossible without their depreciation and change of their destination.

We believe that the current legislation prevents the alienation of agricultural land inherited by foreigners, stateless persons, and foreign legal entities. Making any legal actions aimed at the alienation of land by these individuals is a direct violation of the law.

We support the conclusion made by O.L. Zaitsev that the principle of equality of the capacity of individuals and the lack of retorsions in the private sector, the land ownership and inheritance of land ownership right should extend to citizens of other countries and stateless persons.