JURIDICAL NORMS IN THE REGULATION OF LAND LAW AND REAL ESTATE ADVERTISING

NORME JURIDICE IN REGLEMENTAREA DREPTULUI FUNCIAR SI PUBLICITATE IMOBILIARA

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Abstract: *We can define and consider Real Estate Law as a set of legal rules regulating the social relations related to the land representing Romania's agricultural real estate, regardless of the owners and their form of ownership. Social relations regarding land plots regulated by real estate law occur between individuals and private legal persons, between public legal persons and between the latter and private persons. Therefore, some legal frameworks on land belong to public law and others to private law*

Key words: *real estate, Cadastre and Real estate registry Law, Forest Code, Law of public property, The legal status of land.*

INTRODUCTION

The regulation object is complex, requiring a certain systematization of its legal directives. Function of the regulation object, the legal directives form the real estate law land can be classified:

- Legal directives and their legal organization regulating forms of land ownership;
- directives regulating land use, protection and improvement;
- Legal directives regulating the land exploitation in Romania;

- directives regarding the real estate evidence and registry..

MATERIAL AND METHOD

Civil law may define the specific form of expression and the general and abstract rule which regulates the topics conduct in legal civil relations.

The directives that configure the general frame of regulation of property, as well as the rules regulating, deliberately, certain aspects of property, such as forms of property in Romania, are expressed by the supreme law (Constitution of Romania). The assets are an exclusive public property, their legal system, the insurance of ownership.

The most important real estate laws are:

- Decree Law no. 115/1938 on real estate law, applied in Transylvania, Banat and Bukovina as implemented by Law No. 241/1947,
- Law no. 18/1991 on real estate law - publ. in M.O. No. 37/1991 and the republic. in M.O. 1 / 1998, republished on basis of Law no. 169/1997, published in M.O. No. 299/1997
- Law no. 1 / 2000 publ. in M.O. No. 8 / 2000 amending and supplementing Law No. 18/1991,
- Law No. 16/1994 - Lease Law, publ. in M.O. No. 91/1994, as amended by Law No. 223/2006 and 276/2005.
- Cadastre and Real estate registry Law No. 7 / 1996, regulating the recording system of all land and other real estate throughout the country, publ. in M.O. No. 61/1996,
- Forest Code approved by Law no. 26/1996, Publ. in M.O. No. 93/1996.
- Law of public property and its legal status. 213/1998, publ. in M.O. No. 448/1998,
- Order No. 2371/C/1997 of Ministry of Justice approving the Regulation on organization and functioning of real estate registry offices of public justice publ. în M.O. No. 84/1998 ,
- Government Resolution No. 1172/2001 for the approval of Law application No. 18/1991, publ. in M.O. 829/2001,

- Law No. 247 of July 19, 2005 on property and justice reform and some adjoining measures, publ. in M. O. No. 653.on July 22, 2005.
- Agricultural life annuity regulated by Law No. 247/2005 - Title XI.
- Law No. 312/2005 on the right of private property by foreign citizens and stateless persons as well as and foreign public legal persons. In M.O. No. 1008, on November 14, 2005
- Local public administration law 215/2001 publ. in M.O. No. 204/2001, as amended by Law No. 286/2006, publ. in M.O. nr. 621/2006.
- We will use the Civil Code.

RESULTS AND DISCUSSIONS

The Concept of Agricultural Real Estate And Land Classification

By Law no. 18/1991, lands that represent Romanian agricultural real estate regardless of destination, title on property basis or form of ownership, will be classified function of their purpose as follows:

- Land for agricultural purposes, including:
    - Productive agricultural land
    - Arable land
    - Vineyards,
    - Orchards,
    - Grasslands,
    - Pastures,
    - Vineyard nurseries,
    - Fruit-tree nurseries.
    - Land with forest vegetation,
- Piscicultural arrangements.
- Forest purpose land, belonging to.
    - Forest land
    - Land for afforestation
- Unproductive land:
    - Precipice,
    - Blocks, if they are contained in forest planning.
- Lands that are permanently under water:

- Beds of water courses,
- bottom of interior maritime waters
- Bottom of territorial maritime waters.

- Land within the built-up area, adjacent to urban and rural places the buildings are located on, other arrangements

- Special purpose land, which include:
  - Land used for transport,
  - Land used for construction and hydraulic engineering, transmission of electricity and natural gas
- Mine and mineral oil exploitation, beaches, natural reservations, natural monuments, historical ensembles and sites and others alike.

According to the form of land ownership, land is classified as:

- Private property land
- Public property land.

Land that is not part of the public or private property are natural or legal persons of private law.

The legal status of land in the public domain is different from that of private land, as follows:

- Land belonging to the public domain is inalienable, imprescriptible and invisible.
- Land in the public domain can only be managed by state and public institutions may be granted or leased private land in the state or territorial administrative units are subject to common law.

Such land may be sold, leased, rented or transferred for free usage to pursue local public interest activities.

State or territorial-administrative units may make any disposal of on private land in their area, as any private owner.

Law No. 215/2001 provides that the alienation of property belonging to the private domain of the municipalities, cities or counties, land exchanges, sharing buildings in possession of the private sector, are based on the expertise acquired by the council.

The sale, licensing, leasing and venue management are made by public auction.

Disposal of the land owned by territorial administrative units, whatever their nature, are of local and county councils jurisdiction.

CONCLUSIONS

The property is the real right which gives its holder the possession, use and disposal of a good, exclusive and perpetual in its power and interest, while respecting the legal rules in force.

Public ownership is that ownership of the goods bearing the public domain of national and local interest in the public domain belonging to state and territorial administrative units, it is inalienable, indefeasible and invisible.

Public property belongs only to state and territorial administrative units of the village, town, city, county to which it belongs and is subject to public ownership of state and territorial administrative units.

Private domain of state and territorial administrative units is composed of land which is not part of the public domain.

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