1. **Introduction**

For centuries land was valuable for development of economy of Moldova. Nowadays reality show that there is a relatively raised interest in purchasing land by residents and non-residents with the aim of building immovable on it, however, at the same time, there is an evident lack of effective use of the agricultural land which lead to decrease of the quality of the soil, on one hand, and the inevitable in this case the issue of poverty, as Moldova mainly developed as an agricultural country. A related issue is that foreign investors are not allowed to invest or engage in buying-selling relations, that further lead to increased risk of stagnation of the development of economy and poverty. Nevertheless, foreign investor acquires agricultural lands by indirect methods, such as formally registering the land on the name of a citizen of Moldova.

The agrarian reforms in Moldova began in 1991 with the adoption of Land Code that allowed privatisation of agricultural land and assets and reorganization and restructuration of collective and state farms. Main regulations on land are included in secondary legislation, more precisely in Civil Code of 2002 and other legislation adopted by Parliament and in decisions of the Government. Their main goal was land consolidation and transition to a market-oriented economy in the post-Soviet period.

Currently, land issues are on the agenda of Government. In 2016 there was approved the Land Cadastre according to the situation on 1 January 2016. Within last 2 years the Parliament also approved several amendments on Land Code 1991. Not considering this apparent reform that is in fact are minor, recent analysis shows that the corruption in the process of administration of natural resources, including land, by the politicians, cause high loses from Gross Domestic Product.

1. **Overview of Important Land Legislation and Regulations**

Constitution of Moldova guaranties to State the duties of ensure rational exploitation of land and other natural resources in accordance with national interests. The protection of property, including all underground, natural resources used to the benefit of public and ones of the economic regions and continental shelf, lines of communication and other assets stipulated by law, is ensured by the State. Also, Constitution stipulated that property of citizens of Moldova, of foreign citizens and stateless persons is protected, in the way regarded by the law.

The constitutional provisions that regulates the land relations are further implemented in the national Civil Code 2002 and in Land Code 1991. More specific regulations of these provisions are found in the other Parliament’s legislation and Government’s decisions.

Civil Code 2002 determines the legal statute of the participants in the civil relations that create real rights and the ways of exercising them. 1991 Land Code regulates land relations, use and protection of land resources. The creation and maintenance of real estate cadastre and regulation of legal relations regarding immovable property are established and regulated by Law Cadastre of immovable goods. Legal mechanism for regulating the process of privatization of state property and private-administrative-territorial units and the particularities of the post-privatization activities are established in the Law on privatization. Besides the above-mentioned national-level laws there are many other laws that regulate land related issues.

1. **Land Transfer, Allocation, and Lease**

Current legislation recognizes and protects property right. Nevertheless, one can be expropriated for public purposes established by law and after a fair and prior compensation. The process of sale and purchase of the land under private property based on an agreement between parties requires the seller the complete the documents confirming the ownership of the land, the conclusion of the contract of sale-purchase that is authorised by a notary. Further, the new landholder shall submit the contract to the territorial cadastral institution for registration of the ownership. The right of ownership of the land is acquired by the buyer after the registration in the real estate register is fulfilled. The right on land ownership can be held by citizens of Moldova and foreign investors, expert on agricultural land that can be owned just by the State, natural and legal persons that have any foreign investitions. The foreign citizens and the stateless persons can acquire the ownership of agricultural lands by inheriting them. They have the right to dispose them only to citizens of the Republic of Moldova.

Owners of land have the right to lease the land or part of it on conditions established by the agreement between the lessor and lessee. Subrent is allowed only if provided in the authenticated contract.

Land can be also transferred by inheritance or as a gift thought a donation contract. Voluntary exchange of pieces of land between two or more owners of land is performed based on agreement between parties. The overview of the national legislation provides clarity around the processes of transfer of the property of land.

1. **Land tenure classifications**

In Moldova the following rights are recognized: the right of possession, use and disposition, ownership, right of management, right of usufruct, right of use, right of habitation, right of easement/servitude, right of superficies and right of pledge.

The ownership right over a land allow to possess, use and benefit of the land within the limits of law for an unlimited period of time. The right to manage land of another person can be gained according to a concluded contract between the parties or by judicial decision. One can hold right to use land just in respect to agricultural land and the right is attributed to individual by the local public administration. Right of usufruct allows to use for a limited period of time a piece of land owned by another person, with the right to collect the fruits of the land. Land servitude is right of beneficial use or utility of the property of another owner. Right of superficies allow use the land of another for a limited period, in order to exploit the construction above and below this land. Right of pledge is a real right on the basis of which the creditor is entitled to demand the satisfaction of his claims of the value of the immovable property deposited in the hypothec if the debtor fails to execute his obligations.

The structure of land tenure consists of ‘state land and land in individual sector’. Public property assets are goods of public interest or use. Any other goods that are not in public domain are considered as private goods.

Immovable of both public and private domains and the property rights are registered at the territorial cadastral office. Cadastral registration ensures the public recognition of property right and of other real rights on immovables. None of nationals is discriminated in the process of registration of land, all citizens are protected before the law and there are no specific provisions for any groups of people.