

# THE IMPORTANCE OF QUALITY REGISTRATION IN ACQUIRING PEACEFUL OWNERSHIP

MIHAI TAUS,  
ROMANIAN LAND REGISTRAR'S ASSOCIATION

## CONCEPT OF **PROPERTY**:

An object that **belong** to someone

The **legal right** to own and use something

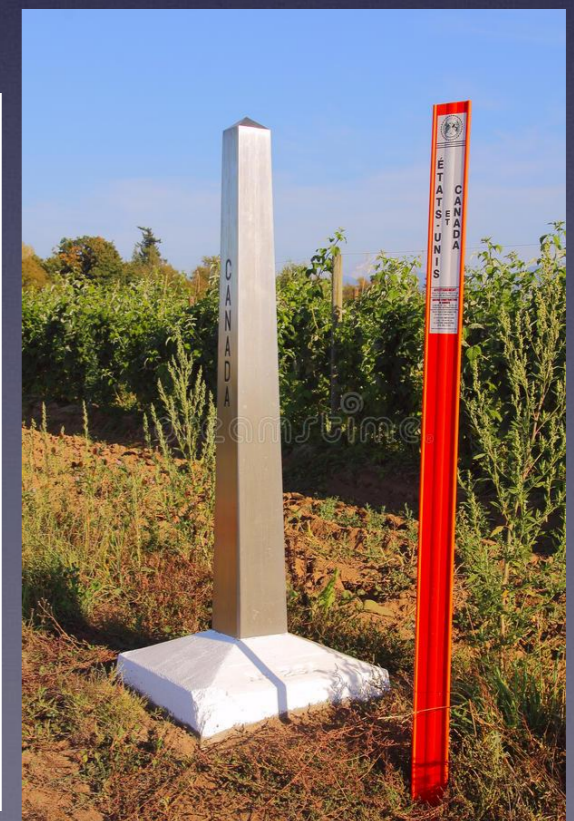
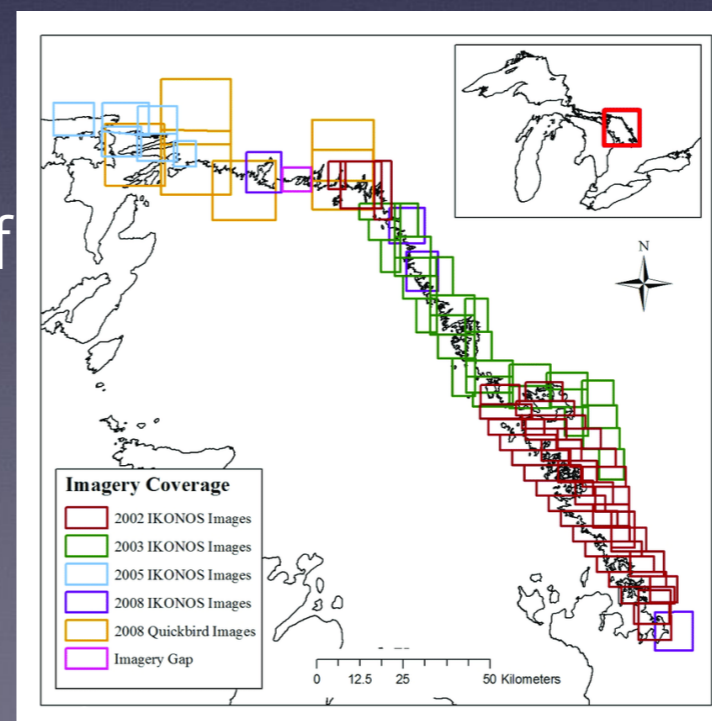
(Cambridge dictionary)

NOT A REGISTRY OF LAND, BUT A REGISTRY OF LEGAL RIGHTS  
(AND OTHER OBJECTS)

# PROPERTY -> TERRITORY

## WHY TO DEFINE BOUNDARIES?

- To establish territorial limits, for protection and privacy (not only human do that...)
- To have a taxation basis
- To figure the physical limits of a right



# PROPERTY -> TERRITORY

## WHY TO REGISTER RIGHTS?

- To protect and preserve
- To avoid disputes
- To add value



CARTE FUNCIARA NR. 214885 Comuna/Oras/Municipiu: Bucuresti Sectorul 5

**EXTRAS DE CARTE FUNCIARA pentru INFORMARE**

Oficiul de Cadastru și Publicitate Imobiliară BUCUREȘTI  
Biroul de Cadastru și Publicitate Imobiliară Sectorul 5

Nr.cerere	
Ziua	02
Luna	07
Anul	2014

**A. Partea I. (Foaie de avere)**

**TEREN** intravilan  
**Adresa:** Bucuresti Sectorul 5, Strada Garaafei, ...

Nr. CF vechi: ...  
Nr. cadastral vechi: ...

Nr crt	Nr.cadastral Nr.topografic	Suprafata* (mp)	Observatii / Referinte
A1		Din acte: ...; Masurata: ...	teren in suprafata de ... mp. conform masuratorilor mentionate in dosarul cadastral (... mp. din acte), cu urmatoarele vecinatati: E - pe o latura de ... m cu ...; V - pe o latura de ... m cu str. ...; N - pe o latura de ... m cu ...; S - pe o latura de ... m cu ... - transcris in RTI sub nr. ... 1996

**B. Partea II. (Foaie de proprietate)**

Inscrieri privitoare la proprietate	Observatii / Referinte
12755 / 30.04.2014	
Act notarial nr. ..., din ..., 2014, emis de NP ...	
B3 Intabulare, drept de PROPRIETATE, CU TITLU DE CUMPARARE, dobandit prin Conventie, cota actuala 1 / 1	A1
1 ... , casatorit, bun propriu	

**C. Partea III. (Foaie de sarcini)**

Inscrieri privitoare la sarcini	Observatii / Referinte
... / ... 2014	
Act notarial nr. ..., din ... 2014, emis de NP ...	
C1 Intabulare, drept de IPOTECA LEGALA, Valoare: ... / EUR	A1
1 ...	
2 ...	

# SYSTEMATIC REGISTRATION

## WHAT PREVAIL?

Speed?

Cost?

Quality?

People?

State?

Business?

# SYSTEMATIC REGISTRATION

## CAUSE:

- Lack of cadastral identification
- Lack of legal information
- Lack of private resources for registration

## EFFECT:

- Land disputes
- Risky investments
- Low mortgage market
- Overloaded courts
- Poverty

# SYSTEMATIC REGISTRATION

## CAUSE:

- Lack of cadastral identification
- Lack of legal information
- Lack of resources for registration

## EFFECT:

- Land disputes
- Risky investments
- Low mortgage market
- Overloaded courts
- Poverty

## PURPOSE:

Social peace and equity  
Economic growth  
Eradication of poverty

**LEGAL  
CERTAINTY**

**QUALITY OF REGISTRATION**

# LACK OF QUALITY?

- **FIRST STAGE:**

- Public money spent on low quality registration
  - Superficial measurements, untrusted boundaries and descriptions of objects
  - Low legal checking of the rights
  - NO EFFORTS AND NO COSTS FROM THE CITIZENS

- **SECOND STAGE** (after the systematic registration is completed)

- EFFORTS MADE AND COSTS SUPPORTED BY THE CITIZENS:
  - TO PROVE AND PROTECT THEIR CHALLENGED RIGHT
  - TO CORRECT ERRORS
- BACK TO POVERTY



# LACK OF QUALITY?

- **FIRST STAGE:**

- Public money spent on low quality registration
  - Superficial measurements, untrusted boundaries and descriptions of objects
  - Low legal checking of the rights
  - NO EFFORTS AND NO COSTS FROM THE CITIZENS

- **SECOND STAGE** (after the systematic registration is completed)

- EFFORTS MADE AND COSTS SUPPORTED BY THE CITIZENS
  - TO PROVE AND PROTECT THEIR CHALLENGED RIGHT
  - TO CORRECT ERRORS

WRONG REGISTRATION COULD BE WORSE  
THAN NO REGISTRATION!!

# LACK OF QUALITY?

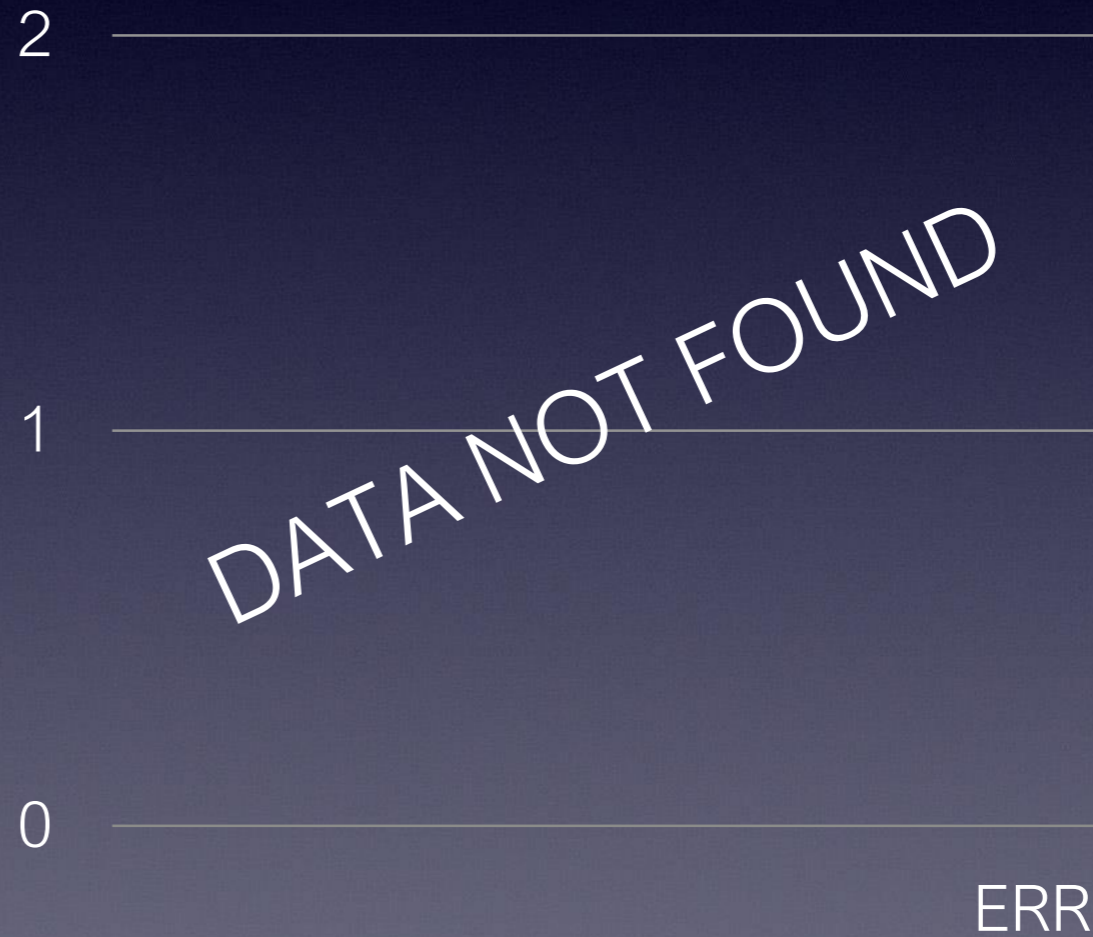
## QUI PRODEST?

**NOT THE STATE**

**NOT THE PEOPLE**

# LOW QUALITY SYSTEMATIC REGISTRATION

- AFTERMATH FIGURES:



# NEW STUDY?

- VALUE OF (SYSTEMATIC) REGISTRATION:
  - MAIN INDICATORS:
    - Number of land disputes started after the systematic registration is completed (regarding boundaries and regarding titles)/100 immovables
    - Number of applications submitted for correction of systematic registrations/100 immovables
    - Costs
    - Duration

# NEW STUDY?

- VALUE OF (SYSTEMATIC) REGISTRATION:
  - MAIN INDICATORS:
    - Number of land disputes started after the systematic registration is completed (regarding boundaries and regarding titles)/100 immovables
    - Number of applications submitted for correction of systematic registrations/100 immovables
    - Costs
    - Duration
- MY OUTCOME EXPECTATIONS:
  - **in a short run:**
    - superficial land registration project are cheaper
    - some false achievements like number of registered plots, increased income to communities may look like a success
  - **in a medium or long run:**
    - Increased number of land disputes
    - Costs to be covered by people to prove their registered rights or to correct these registration, although the state spent money for that
    - superficial land registration projects are expensive and mainly useless
    - Back to poverty...

**THANK YOU!**

MIHAI TAUS  
ROMANIAN LAND REGISTRAR'S ASSOCIATION  
BRUSSELS, 29.11.2018