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EASEMENTS: LAW ENFORCEMENT AND PROSPECTS OF CIVIL LAW REGULATION

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The subject of the study is easements as a special and ancient type of rights to other people's land plots.
The article presents a scientific analysis of certain aspects and properties of servitude law through the prism of modern judicial practice and on the basis of conclusions drawn in the research of modern foreign civilists.
The purpose of the article is to show the new possibilities of the well-known civil law structure (easements), including from the point of view of the implementation of the task of increasingly satisfying the needs of citizens, including recreational needs.
General scientific methods were used: analysis, synthesis, induction, deduction, comparison and description, as well as special methods of cognition of legal reality: historical-legal, formal-legal, comparative-legal, legal modeling.
Scientific results:
1. It is proved that the institutions of property law, including the institution of easements, cannot be indifferent to the social problems of our time, including a great role in meeting the diverse needs of citizens, including recreational.
2. It is established that modern judicial practice in cases of easements, proving the effectiveness of justice, actually protects public interests, preventing the formal legal use of the design of easements, detracting from the task of more and more fully satisfying the needs of people in active recreation and recovery.
3. It is emphasized that foreign civil law is actively searching for new models of property law regulation, offering their use taking into account the social tasks of civil law regulation. Attention is drawn to the fundamental conclusions of civilists related to the methodology of assessing real estate burdened with an easement, the separation of easements with other limited property rights, the improvement of forms of protection of this right.
4.The construction of an environmental easement aimed at preserving the landscape, biodiversity, ecosystems and new opportunities for public admission of citizens to private lands for recreation and active recreation is proposed as promising for the introduction into Russian civil legislation.

1. Introduction

In the classical system of limited real rights easements have always occupied significant positions, representing the oldest type of rights to other people's land plots. They could be called differently, sometimes even disappeared from the content of the real-legal regulation of codified laws, but they were invariably revived as a symbol of new life in the changed economic realities. As for civil science, pre-revolutionary civilists left us a legacy of the classical theory of limited real rights, including theoretical provisions on easements [1–6]. At the same time, the civil legislation of that period was not distinguished by the depth of elaboration of this civil law institution, which scientists stated with regret [7].

The Soviet period of Russian history, marked by the disappearance of private property rights, turned out to be unfavorable for the development of easement law. And the revival of easements at the level of the new Civil Code of the Russian Federation began to stall. We remember that Ch. 17 of the Civil Code of the Russian Federation, dedicated to the property rights and other real rights to land plots, did not come into force immediately. That's why the new history of judicial enforcement of easement norms in our country does not even go back three decades. The courts have encountered numerous difficulties in considering and resolving civil cases related to the establishment of easements, as clearly evidenced by the Review of judicial practice on the establishment of an easement on a land plot, approved by the Presidium of the Supreme Court of the Russian Federation on April 26, 2017.

Modern civil science has not remained aloof from the problems of judicial application of the norms of the institution of easement law. Here you should pay attention to the works of such scientists on the topic of property law as E.A. Sukhanov [8], V.A. Belov [9], S.A. Sinitsyn [10], I.A. Emel'kina [11], T.P. Podshivalov [12]. The author of this publication also made her contribution to the consideration of the topic [13–16].

The author was prompted to turn again to the practice of applying the rules on easements by the decision made by the Arbitration Court of the Krasnodar Territory on May 26, 2023 in case No. A32-13784/20202. It had resonance and great social significance, since it affected the interests of residents not only of the Krasnodar Territory, but also of all of Russia. The public interest in this case was obvious, since the claim to establish easements concerned the lands of the beloved Krasnodar Park in the Krasnodar Territory, built at the expense of entrepreneur Sergei Galitsky. I would like to emphasize that today the Krasnodar region is known throughout Russia not only for its resorts, but also for this unique vacation spot.

The purpose of the study is to identify opportunities for improving the civil regulation of easements to meet people's needs for recreation (recuperation and health promotion), including solving the problem of preserving natural resources, their increase and effective use. To achieve this goal, firstly, an analysis will be given of the above-mentioned decision of the Arbitration Court of the Krasnodar Territory, which has become a resonant one. Secondly, a review of foreign civil law literature is made regarding the prospects for the development of easement law, including its capabilities for solving problems of a recreational and environmental nature.

2. How does judicial practice in cases of easements in Russia meet public needs in recreation?

The implementation of social tasks of civil law regulation is impossible without effective justice. Thus, one of the important needs of citizens, which is to restore health and ability to work (recreatia), cannot be satisfied without combining the efforts of the legislator with the judicial system that administers justice in the Russian Federation.

The efforts of almost all government bodies and public organizations are also aimed at creating conditions that provide recreational needs. An important role here is also played by Russian entrepreneurs who implement significant social projects through charitable activities. One of the most striking examples of charity for recreational

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purposes is the park created at the expense of entrepreneur Sergei Galitsky in Krasnodar (Krasnodar Park). 4 billion rubles were spent on its creation, and this amount is constantly growing, taking into account the significant costs of preserving and developing landscaped lands. About 2.5 thousand evergreen trees, including their subtropical varieties, are planted in the park. On the territory of the park, visiting of which is free for citizens, there are many fountains, ponds with fish, landscaped terraces, labyrinths with mirror beds and blooming camellias. The created recreational facility is incredibly popular. The specially created Investstroy LLC is engaged in the current maintenance and vital functions of the park.

Let's move directly to the lawsuit, which was filed with the Arbitration Court of the Krasnodar Region for the establishment of easements on land plots with unique green spaces located on them that require special protection and care. The statement of claim identified about 70 land plots with specific coordinates and a certain line length in meters. The Central Bank of the Russian Federation was the plaintiff in that lawsuit. The Central Bank is not only an organization designed to ensure sustainable development and strengthening of the banking system, but also the owner of linear power supply and rainwater drainage networks located on land plots included in the city park complex. The Central Bank of the Russian Federation demanded the forced establishment of the right to limited use of the specified land plots by concluding three agreements on the establishment of easements with the defendant (Investstroy LLC). The plaintiff justified the requirement to establish the right of unhindered access to recreational real estate objects by the need to carry out repairs and maintenance of linear objects belonging to him.

An expert from the Federal Budgetary Institution “Krasnodar Forensic Laboratory of the Ministry of Justice of the Russian Federation” E.V. Shanygina was involved in the consideration of the case. She answered the court’s most important question in the affirmative, stating that in order to meet the Bank of Russia’s needs for land plots, it is necessary to establish easements within the boundaries of security zones of linear objects.

It would seem that everything turned out well for the plaintiff during the process. There is a formal reason arising from the letter of the codified law (Article 274 of the Civil Code of the Russian Federation), there are expert evidences. However, the court did not limit itself to the formal conclusions of the examination, pointing out that they are probabilistic in nature, contradictory and biased. The court indicated that the expert made conclusions solely on the basis of her own assumptions. As it was established at the court hearing, it was not possible to determine the actual location of the networks on the land plots during their inspection. No wells requiring maintenance were also found in the areas. All work on linear facilities in the areas has been completed. It was not planned to excavate the soil to the depth of the site. And most importantly, the defendant did not in any way interfere with the maintenance of networks at the sites.

To make an informed decision, the court gave a detailed analysis of the current legislation on easements. Having examined the plaintiff’s arguments, the court found that, firstly, the submitted draft agreements on the establishment of easements do not contain a specific list of work and activities that the plaintiff needs to carry out in order to maintain and repair linear facilities. Secondly, the plaintiff’s networks are located underground (energy supply at a depth of more than one meter, sewerage at a depth of more than 1.5 m), and therefore cannot be considered as a ground-based facility requiring constant maintenance. Thirdly, the land plots are not fenced, they are a public area (park area) with paving, a lawn, trees and shrubs, small architectural forms, and other landscaping elements. Taking into account these arguments, all types of work specified in the statement of claim can be freely performed by the plaintiff without establishing easements on land plots. As a result, the Arbitration Court of the Krasnodar Region, having examined all the evidence comprehensively, completely and objectively (Article 71 of the Arbitration Procedural Code of the Russian Federation) and evaluating it according to its internal conviction, rejected the claim brought against the Central Bank of the Russian Federation. The decision emphasized that the establishment of easements on disputed land

plots of protective zones is not the only way to ensure the basic needs of the plaintiff as the owner of linear real estate, since there is a different procedure for resolving disputed legal relations without formalizing easements. In addition, it was stated that the plaintiff's demands are significantly burdensome for the defendant, since there is no need to provide him with permanent access (presence) to the disputed land plots in protected zones.

By refusing to the owner of linear objects to establish easements on land plots of a park zone in the city, the Arbitration Court of the Krasnodar Territory appears to have protected the public interests associated with meeting the recreational needs of residents of the Krasnodar Territory. However, the question arises: is it possible to discover the constructive role of the construction of easements as a civil means for preserving natural resources and meeting the recreational needs of the population? We will try to find the answer to this question in a review of foreign civil law literature in recent years.

3. Foreign civil thought on the problems of easement law

Immersion in the problem of the laws of civil regulation of easements requires, from our point of view, an analysis of foreign civil doctrine that studies such a limited property right as an easement. For this purpose, ten publications that appeared in recent years were selected.

Scientists from the Czech Republic [17] and the Republic of Slovenia [18] are interested in the problem of assessing real estate encumbered by an easement. In their publications, the authors successfully combine legal and economic analysis of the problem. They believe that the economics of easements is essential to understanding the legal nature of easement law. In real estate, they call for seeing not just things (physical objects), but the interests of participants in civil circulation, which are focused in them. When assessing, it is proposed to determine the magnitude of the impact of the easement on a specific real estate. Accordingly, it is concluded that an easement can either decrease its value, or increase it, or have no effect at all. And here it is important to study a specific situation and evaluate it on an individual basis. It is interesting that the market value of an easement as an object of assessment is difficult and even impossible to determine, since the easement market does not exist. Therefore, here they simulate ordinary commercial trade, while taking into account a whole set of factors, including the impact of easements on the most rational use of land. The authors proposed a matrix for reducing the value of land encumbered with an easement, which is recommended to be used as one of the methods of economic analysis. It seems that the economic aspect of easement law may be of interest to Russian civil science, since knowledge of the legal form is impossible without seeing the economic processes that are hidden behind it.

Scientists from Turkey also consider the problems of easement law to be relevant for modern civil law. Thus, Gülen Sinet Tek, in his publication devoted to the connection of easement law with real estate encumbrances [19], emphasizes the special role of easements in Turkish civil law. These limited real rights, arising on the basis of the constituent agreement, the author argues, provide direct dominance over the thing and are protected from "the whole world." Article 779 of the Turkish Civil Code defines an easement as a limited real right that imposes on the owner of the encumbered immovable thing the burden of not exercising certain powers provided for by the right of ownership, or bearing the burden of the beneficiary to use the encumbered immovable thing in a certain way. The Civil Code of Turkey also contains a definition of encumbrance on real estate. In accordance with Art. 839 of the Civil Code of Turkey, it is understood as a limited property right, which imposes on the owner of an immovable thing the obligation to give or do something to another person in respect of whom such an obligation is established. Turkish civil law considers the issue of the relationship between various types of limited real rights to be particularly significant, including the scientific significance of the demarcation of easement rights and real estate encumbrances. To illustrate the importance of the issue, the researcher provides specific examples from judicial practice [19, p. 231–233]. It seems that the issues of interaction between various types of limited property rights are also relevant for Russian

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civil law, especially at the present time, when their new system is just taking shape and should be adequately enshrined in the codified civil legislation of the Russian Federation.

Of research interest is the view of practicing lawyers from the Netherlands on easement law in this country. In their publication, the authors pay special attention to the content of the constituent act establishing the easement. It is this document that defines the content of the easement, as well as the methods for exercising the rights arising from it. Work on this document is considered particularly significant, since it creates important rules for interaction between owners. Four options for approaches to the content of the constituent act are proposed: 1) the owner of the service land must recognize that the owner of the dominant land acquires the opportunity to use it in a certain way; 2) the content of the easement is associated with the obligation of the owner of the service land to refrain from committing certain actions; 3) the owner of the service land agrees to the neighbor's use of his land not in accordance with the generally established normative rules; 4) the owner of the service land waives the rights that he could use on the basis of the norms of the Civil Code. And although, as a general rule, the owner of servient land cannot be forced to take actions in favor of the owner of the dominant land, the constituent act may provide for an additional obligation to place buildings or carry out work necessary for the holder of the easement right to fully exercise his powers. In the current civil legislation of the Russian Federation, the agreement on the establishment of an easement has not yet been properly consolidated. That is why it seems efficient to use foreign experience in its regulation.

Researchers from the University of Pristina (Kosovo) Kastriote Vlahna and Hayredin Kuçi in their publication pay attention to the problems of protecting easement law, including the ability of its subjects to resort to self-defense in controversial situations. Although the possibility of self-defense of easements is not directly provided for in the civil legislation of Kosovo, the authors argue, it is permissible to apply it by analogy and not in very complex disputes. To apply the self-defense of an easement, at least three conditions must be met: 1) the owner of the right must have a direct risk, that is, he will defend his right immediately at the time of violation; 2) self-defense must be necessary when the owner of the service lot actually interferes with the use; 3) self-defense must correspond to the circumstances of risk [20, p. 323]. In other words, the use of force must be proportionate to the circumstances in which the violation occurred.

Two types of claims are used for protecting easement rights in court in Kosovo [20, p. 324–325]. The first is a claim for injunctive relief. The second possible claim is a claim for the establishment of an easement. Summing up, the authors state that easement as a real right requires "respect", and therefore must be effectively protected from all kinds of illegal actions. It seems that the problem of protecting easement law and its possible forms is also relevant for Russian civil law and judicial enforcement.

Martin Dixon, representing the Faculty of Law at the University of Cambridge, using the example of a specific legal dispute, showed the possibility of extending the construction of an easement to relations of a seemingly completely different nature [21]. There was a case about easements for recreational purposes, when the whole point of the easement was recreation. Thus, the Supreme Court of Great Britain in the case of Regence Villas Title Ltd v. Diamond Resorts recognized as a series of easements the rights arising from an agreement for the use of entertainment facilities: a golf course, a swimming pool, a sauna, a tennis court, a gym, a croquet lawn, gardens, etc. Establishment These easements, in effect, deprived the owners of the country club (a holiday complex in Broome Forest) of the meaning of having a title, since the use of the objects on the land was not incidental to the ordinary use, but the main purpose of ownership. Thus, the recognition by the court of property rights as easements led to the loss of meaning in the right of ownership. That is why there were also opponents of this approach. For example, Lord Carnwath stated that the relationships recognized by the easement are "too far removed from the essential nature of the easement." It seems that it is no coincidence that Martin Dixon called his publication "Playing A Round With Easements." In his opinion, there are compelling political reasons for recognizing this kind

of recreational easements in the future, consisting in supporting the idea of the central role of sports and recreation in the lives of modern people.

Scientists from the Democratic Republic of the Congo are also studying issues of easement law. Christian Bajima Wahelwe, Stella Yav N'Samb and Lukumwena Nsenda, using the example of the city Lubumbashi, raised the problem of violation of legislation on easements in this Central African state [22]. Its essence lies in the public-private conflict associated with the forced trade of the poor outside formal markets. The development of this kind of informal trade makes the city uninhabitable. It is important for the city to return a socially oriented image with recreation areas, creativity, playgrounds and sports grounds. At the same time, uncontrolled demographic growth and unemployment are forcing the population to increasingly engage in trading on the city streets. Overcoming conflict is a complex issue, but one that requires immediate resolution. It is important for the streets and squares of the city to return to their original appearance, say the authors of the publication, and for this it is necessary to achieve strict compliance with the current legislation on public easements. And again, the civil legal design of easements finds direct access to socially important problems of the well-being of the population, ecology, environmental protection and meeting the needs of the population for recreation.

Noteworthy is the analysis of judicial practice in cases of easements in the western US state of Colorado, conducted by Nathan Osborne [23]. In addition to ordinary or explicit (express) easements, the legislation of this state provides for the possibility of the existence of implied easements, which do not need to be formalized in writing and recorded in public registers. These easements are based on the behavior of the participants in the relationship, including previous owners. For an easement to be deemed implied, the Colorado Supreme Court relies on three necessary conditions: open and generally known use of another's land (1) for a period of 18 years (2) in the absence of apparent permission (3). The application of the latter condition was illustrated by the case of Maralex against Chamberlain. Maralex was a lessee under an oil and gas lease. To access the wells, the tenant used two roads located in the adjacent territory. When disagreements arose between Maralex and the owner of a neighboring property, the former filed a lawsuit to grant an easement. The Colorado Court of Appeals ruled that Maralex was not entitled to an implied easement because the use of the property was permissive. The owners of the neighboring property were given keys to the gate. With all the originality of American judicial practice based on case law, getting to know it is of scientific interest. In particular, this concerns the construction of a more detailed classification of easements.

4. Prospects for easement design to preserve landscapes, nature, ecosystems and meet people's needs for outdoor recreation

We began our conversation about the problems of easement law with an analysis of a specific court case, in which an attempt was made to establish an easement on lands where all conditions for people's recreation were created. On these lands, intended for recreation and active use by people, in the improvement of which huge amounts of money were invested, the owner of linear objects wanted to establish the right of unhindered passage and passage. For this particular case, the easement turned out to be a design that is not suitable and even harmful for nature protection and meeting the recreational needs of citizens.

However, the question arises: is it possible for easements to play a positive role in preserving nature, landscapes, ecosystems, biodiversity and creating conditions for people to relax in the fresh air?

The study of foreign civil law literature and legislation indicates that easements have such promising opportunities, and they are used quite effectively by legislators in countries around the world.

An example of this is the United States, where the Uniform Conservation Easement Act (UCEA) was passed in 1981. The purpose of introducing conservation easements is to improve the management of real estate to maximize the benefits for the conservation of nature and ecosystems, in particular, the conservation of animals in their

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natural habitats. It is thanks to easements that the eastern rattlesnake, black-capped marmot, and California tiger salamander were not lost from their habitat in the United States. In total, more than 5,600 endangered animal species have been conserved in private forests. Conservation easements are also used to preserve open space and provide opportunities for public education and recreation. In their legal essence, these easements are legal agreements, subject to mandatory registration, under which landowners voluntarily renounce certain rights to use and develop their property and transfer these rights to the owner of the easement [24]. The latter, as the owner of the trust, may be a qualified nonprofit organization or governmental agency charged with maintaining the conservation value of the property covered by the easement. Thus, to date, conservation easements have focused primarily on imposing negative restrictions on landowners in the public interest. However, in the civil literature, in particular by Sarah A. Brown, Robin M. Rothman, Michael A. Powell, Sonya Wilhelm Stanis, the need to include positive clauses in the content of easement law, in addition to prohibitions and restrictions, is argued [25]. Scientists prove that the excessive use of negative provisions and restrictions, although it simplifies law enforcement, reduces the efficiency of resource management. Scientists argue that the landowner whose property is encumbered by an easement must also be given positive obligations, in particular, to apply certain management methods that are important for preserving the value of protected lands. As a positive duty, the owner may be required to engage in certain types of activities, the absence of which poses a threat to the ecology of the property.

Since the conclusion of easement agreements is voluntary, legislative regulation, the authors believe, should encourage landowners to establish easements. And not only easements of a restrictive nature, but also with the inclusion of positive obligations.

Easements aimed at preserving and restoring nature on private lands, their use for public access and recreation of citizens are considered today in the world as one of their most promising varieties. It seems that the idea of environmental easements is also fruitful for the science of Russian civil law, in order to see their promising possibilities for use in the modernized civil legislation of our country.

5. Conclusions

The institutions of real law, including the institution of easements, cannot be indifferent to the social problems of our time. Their role is great in meeting the various needs of citizens, including recreational ones. Modern judicial and arbitration practice in cases of easements, while proving the effectiveness of justice, actually protects public interests, not allowing the formal legal use of the construction of easements.

Foreign civil law is also actively searching for new models of property law regulation, taking into account the social function of civil law. Scientists are developing issues of the economics of easement law, delving into the problems of assessing real estate encumbered by an easement. The focus of many publications is the issue of delineating easements from other types of limited property rights. There is an active development of issues regarding the content of the constituent act on the establishment of an easement so that the necessary balance of interests of the owners of servient and dominant real estate is achieved.

However, in the author's opinion, the search for opportunities for civil regulation of easements is the most significant of the many areas of scientific development. It is important to best meet the recreational people's needs, involving the preservation of landscapes, biodiversity, ecosystems and public admission of citizens to private territories for the purpose of active recreation. This kind of opportunities offered by a new type of easement called a conservation easement. The author believes that the experience of their regulation and practice of application can be successfully used in Russia.

REFERENCES

1. Annenkov K.N. *System of Russian civil law*. St. Petersburg, M.M. Stasyulevich's Publ., 1899. Vol. 1: Introduction and General part. 672 p. (In Russ.).

2. Vas'kovskii E.V. *Textbook of civil law*. St. Petersburg, N.K. Martynov's Legal Bookstore Publ., 1896. Iss. II: Property law. 190 p. (In Russ.).

3. Meier D.I. *Russian civil law*, Readings by D.I. Meier, published by the notes of listeners, ed. by A. Vitsin, 3rd ed., corrected according to the definitions of the latest legislation. St. Petersburg, N. Tiblen publ., 1864. VI + 790 p. (In Russ.).

4. Sinaiskii V.I. *Russian civil law*. Kyiv, 1917. Iss. 1: The general part. Property law. Copyright. 568 p. (In Russ.).

5. Pobedonostsev K.P. *Course of civil law*. Moscow, Statut Publ., 2002. The first part: Patrimonial rights. 800 p. (In Russ.).

6. Shershenevich G.F. *Textbook of Russian civil law*. Moscow, Statut Publ, 2005. 461 p. (In Russ.).

7. Goronovich I. *Research on easements*. St. Petersburg, Governing Senate Publ., 1883. 108 p. (In Russ.).

8. Sukhanov E.A. *Property law*, Scientific and educational essay. Moscow, Statut Publ., 2017. 560 p. (In Russ.).

9. Belov V. A. *Essays on property law*, Teaching aid for universities. Moscow, Yurait Publ., 2023. 332 p. (In Russ.).

10. Sinitsyn S.A. *General provisions on property law*, Comparative legal research. Moscow, Infotropik Media Publ., 2019. 276 p. (In Russ.).

11. Emel'kina I.A. *The system of limited property rights to a land plot*, Monograph. Moscow, Infotropik Media Publ., 2013. 416 p. (In Russ.).

12. Podshivalov T.P. *Claim for recognition of property rights: difficult questions of theory and practice*, Monograph. Moscow, Infotropik Media Publ., 2020. 280 p. (In Russ.).

13. Shchennikova L.V. Easements in Russia: legislation and judicial practice. *Zakonodatel'stvo. Pravo dlya biznesa*, 2002, no. 4, pp. 34–40. (In Russ.).

14. Shchennikova L.V. Easement and its modernization. *Zakonodatel'stvo*, 2019, no. 11, pp. 17–22. (In Russ.).

15. Schennikova L.V. Servitudes: the history and modern court and arbitration practice. *Vestnik Permskogo universiteta. Juridicheskie nauki = Perm University Herald. Juridical Sciences*, 2009, no. 2 (4), pp. 162–168. (In Russ.).

16. Shchennikova L.V. Servitude law: features of civil law construction and practice of arbitration justice. *Arbitrazhnoe pravosudie v Rossii*, 2007, no. 2, pp. 64–72. (In Russ.).

17. Šnajberg O. Valuation of Real Estate with Easement. *Procedia Economics and Finance*, 2015, no. 25, pp. 420–427. DOI: 10.1016/S2212-5671(15)00753-4.

18. Stopar I., Šubic Kovač M. Land valuation in case of easement: The case study in Slovenia. *Geodetski Vestnik*, 2016, vol. 60, no. 4, pp. 685–716. DOI: 10.15292/geodetski-vestnik.2016.04.685-716.

19. Tek G.S. Real Burden Linked with an Easement. *İstanbul Hukuk Mecmuası*, 2019, vol. 77, no. 1, pp. 217–239. DOI: 10.26650/mecmua.2019.77.1.0008. (In Turkish).

20. Vlahna K., Kuçi H. Protection of the right of real servitude according to local and international legislation and practice. *Revista de Investigaciones Universidad del Quindío*, 2022, vol. 34, no. 1, pp. 319–329. DOI: 10.33975/riuq.vol34n1.1011.

21. Dixon M. Playing A Round With Easements. *The Australian Law Journal*, 2019, vol. 93, no. 4, pp. 264–266.

22. Wahelwe C.B., Yav N'Samb S., Nsenda L. Opportunities of Easement Areas in Lubumbashi, Resolving the Public-Private Conflict. *Open Access Library Journal*, 2022, vol. 9, art. e9032. DOI: 10.4236/oalib.1109032.

23. Osborn N.G. Implied Easements: The Complicated Cousin of the Express Easement. *The Colorado Lawyer*, 2014, vol. 43, no. 12, pp. 63–67.

24. Pidot J. Conservation Easement Reform: As Maine Goes Should The Nation Follow?. *Law and Contemporary Problems*, 2011, vol. 74, no. 4, pp. 1–27.

25. Brown S.A., Rotman R.M., Powell M.A., Wilhelm Stanis S.A. Conservation Easements: A Tool for Preserving Wildlife Habitat on Private Lands. *Wildlife Society Bulletin*, 2023, vol. 47, iss. 2, art. e1415. DOI: 10.1002/wsb.1415.

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