Paradigm

TRANSFER OF REAL ESTATE RIGHTS IN THE LIGHT OF LEGAL AND SPATIAL CONDITIONS – CASE STUDY OF KRAKOW, POLAND

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ABSTRACT

The objective of this research paper is to analyze the regulations introduced in 2023 aimed at converting the right of perpetual usufruct into the ownership title. The analysis covered the previous modes of conversion, its scope and income derived, on the example of a selected city as well as the spatial changes in the distribution of land released for perpetual usufruct. New solutions were presented that indicated the basic differences when compared to the previously applicable rules. As a result of the analyses, problems related to the practical application of the introduced regulations were identified, in particular those regarding the scope of real estate subject to the claim for acquisition of ownership rights by perpetual users. The research results identified the need to modify and specify the regulations in order to introduce unambiguous rules for qualifying real estate subject to the claim for acquisition of ownership rights.

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1. Introduction

Perpetual usufruct was introduced into the Polish legal system in 1961 (Ustawa, 1961). As a result of systemic changes, mainly the abolition of the principle of a uniform state property fund (Ustawa, 1989) and the restoration of local government, this right underwent a profound transformation.

Legal solutions that are similar to the Polish perpetual usufruct are used all over the world (Dale-Johnson, 2001; Benchetrit & Czamanski 2004; Ploeger & Bounjouh, 2017; Korthals Altes, 2019; Algodsi, 2021), including most European countries, most frequently as the right of development or long-term lease (Trembecka, 2020). They have various names, e.g. "superficie" (Italy), "erfpacht" (Netherlands), or "erbba-recht" (Germany). The Swiss Civil Code has shaped the right of development as an easement (Głuszak, 2008). Similar legal constructs can also be encountered in the countries of Eastern and South-Eastern Europe. The right of development is known, e.g., in Lithuania, Slovenia, Croatia and Estonia. In Romania, since 1974, the sale of developed real estate has been associated with the transfer of land to the state and the establishment of the right of use of the land in favor of the buyer for the period of the building's existence. Currently, it is possible to acquire the right of ownership of such land (Codul, 1991).

A similar property right is established in France for 18-99 years. This is a lease for development purposes. It is possible to sell the property to the holder of this right (Code, 2018). Due to its long duration (18-99 years) and property rights, i.e. the admissibility of transfer and mortgage, it allows for significant investments and development of the land. In Great Britain, on the other hand, there are leases of land intended for development established for a period of 99 or even 999 years. In practice, however, contracts concluded for shorter periods are more common, i.e. 15, 25 or 50 years (Źróbek & Hłasko, 2003). In Germany, there is a development right established for a maximum period of 99 years as a transferable and hereditary right, and may apply to both land owned by the state or local government as well as private land. Legal solutions in European countries can be divided into two groups:

- the owner of the land on which the building was built remains the owner of the building (examples include "leasehold schemes" in Scotland and "erfpacht" in the Netherlands),
- ownership of the building is detached from ownership of the land for the period of the agreement being in force (most European countries).

The issue of whether to continue to maintain the right of perpetual usufruct has been the subject of discussion in Poland for many years (Gniewek, 1992; Woźniak, 2004; Podleś, 2007). Some views favor maintaining this institution in the current economic conditions (Truszkiewicz, 2012; Wyrok, 2000).

The Constitutional Tribunal (Wyrok, 2000) stated that perpetual usufruct, despite its special origins and being treated as a substitute for ownership rights, is not a relic of the socialist era but, in its current form, is a legal institution that meets European standards. Some opinions, however, support the complete abolition of this right. Statutory actions are also being taken to enable the conversion of the right of perpetual usufruct into the ownership title.

The first act that allowed for the conversion of the right of perpetual usufruct into the ownership title was passed in 1997 and the next one in 2001 (Cioch & Witczak 2002; Kwartnik-Pruc & Trembecka, 2012). In 2005, the act on the conversion of the right of perpetual usufruct into the ownership title was passed (Ustawa, 2005). Issues related to the conversion of perpetual usufruct to ownership rights are the subject of publications (Gonet, 2012; Grabowska-Toś, 2016; Sobolewska, 2017). In 2018, there was a radical change in the conversion principles (Ustawa, 2018): conversion by virtue of law was introduced. This was the first stage of the systemic reform of perpetual usufruct regarding residential areas, and was discussed in several studies (Gdesz, 2018; Klat-Górska, 2018; Kwartnik-Pruc & Trembecka, 2019; Sanakiewicz 2019; Trojanek at all, 2024). However, the practical implementation of the process of conversion by virtue of law encountered geodetic and legal problems in practice (Trembecka 2019, 2020; Pracka, 2023). On 31 August 2023, further changes were made to the procedure for converting the right of perpetual usufruct (Ustawa, 2023) by introducing a claim for acquisition of ownership title by perpetual users.

The latest publications on perpetual usufruct mainly cover the economic aspects of establishing this right (Kuryj & Klimach, 2024; Ambrożuk-Wesołowska, 2024; Trojanek et al., 2018, 2019), updating annual fees (Stawecki, 2021), or the admissibility of imposing a value added tax on the conversion of perpetual usufruct of real estate into ownership (Łukawska-Białogłowska, 2022; Kopyściańska, 2022). The subject matter presented in this article has not been the subject of research to date.

This research paper presents issues related to the process of converting the right of perpetual usufruct into ownership title in the context of recent legislative changes (Ustawa, 2023). This is an innovative study presenting geodetic and legal problems related to ambiguous and incomplete regulations regarding those that entered into force on 31 August 2023. These problems hinder the practical implementation of the process. The aim of this research paper is to analyze the introduced new rules for acquisition of ownership title by perpetual users. In particular, the research problem includes:

- analysis of the issues related to the claim for acquisition of ownership rights by perpetual users,
- identification of interpretation problems related to the practical application of the introduced standards,
- attempt to assess the effect of the regulations (Ustawa, 2023) on the systemic elimination of perpetual usufruct,
- identification of differences regarding forms of conversion against legislative changes,
- assessment of the consequences of implementing previous conversion acts,
- analysis of income obtained from conversion on the example of a selected area.

The research thesis of this paper is the statement that the introduced regulations (Ustawa, 2023) do not define the scope of real estate subject to the claim for acquisition of ownership title by perpetual users precisely and will not significanty laffect the elimination of perpetual usufruct in Poland.

2. Material and methods

The conducted research took into account the historical conditions of the conversion. It analyzed the most important aspects related to the introduction of the next stage of the process of changing the perpetual usufruct right into ownership title, substantive premises, procedure and the claim for the acquisition of ownership title. In order to illustrate the most important differences regarding the principles of the conversion of developed land (Ustawa, 2018) and claims implemented in 2023, a comparative analysis of both procedures was conducted (Table 1) according to selected criteria. A detailed analysis of the introduced regulations was carried out aimed at identifying interpretation problems related to the practical application of the introduced standards. The emerging doubts in the context of undefined statutory concepts and factual states of real estate were described.

The area of Krakow was selected for detailed research and the authors conducted quantitative research on:

- the area and number of properties remaining in the municipal and State Treasury resources,
- the area and number of properties let for perpetual usufruct in the city in relation to land owned by the Municipality and the State Treasury,
- the number of certificates issued on the conversion of the right of perpetual usufruct regarding land owned by the Municipality and the State Treasury based on the Act (Ustawa, 2018),
- the number of decisions issued on the conversion based on the Act (Ustawa, 2005),
- income obtained from the conversion in the years 2018-2023,
- the number of applications submitted as part of the claim for the acquisition of ownership title by perpetual users in relation to land owned by the Municipality and the State Treasury (Ustawa, 2023).

The research results were presented in the form of tables and in descriptive form. Research was also carried out on changes in the spatial distribution of land let for perpetual usufruct between 2018 and 2024.

3. Results

3.1. Principles of converting perpetual usufruct into ownership title in a historical perspective

The first legal act that allowed for the conversion of perpetual usufruct into ownership title by way of administrative law was the Act of 1997 (Ustawa, 1997), which was in force until 12 October, 2005. This issue was then regulated in the Act of 2001 (Ustawa, 2001). The next Act of 2005 (Ustawa, 2005) enabled a specific group of entities to request the conversion of perpetual usufruct into ownership title.

The systemic changes gave rise to discussion on the justification for the existence of the right of perpetual usufruct, especially in relation to residential areas. As a result, legislative changes aimed at the systemic elimination of perpetual usufruct have been observed for many years. The first stage of this systemic reform were the regulations adopted in 2018 (Ustawa, 2018). The introduced standards took effect in the conversion of developed land for residential purposes, by virtue of law, as of 1 January 2019. The Act introduced a ban on establishing new perpetual usufruct rights for residential purposes (except for the implementation of claims). It also provided for a mechanism of the so-called "delayed conversion" in relation to land on which the development process is underway, upon occupancy permit granted.

New regulations introduced in 2023 (Ustawa, 2023), which came into force on 31 August 2023, are the continuation of conversion of perpetual usufruct rights into ownership title.

3.2. New procedures for acquiring ownership title by perpetual users as part of a claim

The aim of the new solutions introduced on 31 August 2023 is to enable the acquisition of ownership title by perpetual users of land that has not yet been converted by virtue of law or subject to an administrative decision. This mainly concerns land intended for purposes other than residential. The introduced principles included in the episodic provisions provide for a new procedure - a claim for the acquisition of ownership title, which will be implemented not in an administrative procedure, but under the civil law.

At the same time, the circle of those entitled to demand the acquisition of ownership title has been limited by numerous conditions. The right to file a claim for land acquisition was granted only to those perpetual users who obtained this right before 1 January 1998. It is only valid within 12 months from the date of entry into force of the Act and only in relation to developed land. Moreover, it applies to those perpetual users who have met the objective reserved in the agreement. The claim for land acquisition cannot be implemented if the proceedings for termination of the agreement for granting this property for perpetual usufruct are pending.

Other perpetual users who do not meet the conditions for the claim may apply for the acquisition of ownership title of the property without a time limit (Article 32, Act 1997), making their decision dependent on the current financial possibilities or investment intentions.

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3.3. Comparative analysis of the introduced methods of changing the perpetual user's rights

Table 1 presents a comparative analysis, according to selected criteria, of the conversion process based on the Act of 2018 (Ustawa, 2018) and acquisition under the claim based on the new principles (Ustawa, 2023).

Table 1

Comparative analysis of the process of conversion of residential areas and acquisition under the claim

Criteria	Conversion of developed land for residential purposes (Act, 2018)	Acquisition of ownership title to land under a claim (Act, 2023)
Conversion mode	by virtue of law	upon application - the perpetual user is entitled to a claim for acquisition
Conversion/acquisition form	administrative law	civil law
Validity period	indefinitely	1 year (before 31 August 2024)
Document confirming conversion/acquisition	certificate	civil law (notary) agreement
Entry in the land and mortgage register	Ex officio	upon the request of the owner
Scope of conversion/claim for acquisition	land developed for residential purposes: - with residential buildings, farm buildings, garages, - other buildings, provided that the total usable floor space of buildings other than residential ones does not exceed 30% of the usable floor space of all buildings, - located in ports and marinas, - let for perpetual usufruct pursuant to the Act (Ustawa, 2017)	- developed land (regardless of the type of buildings) let for perpetual usufruct before 1 January, 1998,
Land excluded from regulation	- located in ports and marinas within the meaning of Article 2 clause 2 (Ustawa, 1996), - let for perpetual usufruct pursuant to the Act (Ustawa, 2017)	- located in ports and marinas, - used for family allotment garden
Date of conversion/acquisition	- 1 January 2019 - upon occupancy permit granted (in the case of “delayed conversion”)	date of conclusion of the civil law contract
Requirement of consent of co-users of perpetual usufruct	not required	required
Land not subject to conversion/acquisition	developed with buildings, if the total usable floor space of buildings other than residential ones exceeds 30% of the usable floor space of all buildings	- undeveloped - let for perpetual usufruct after 1 January, 1998 - for which the objective of the agreement has not been met - in relation to which proceedings are pending to terminate the contract for granting the real estate for perpetual usufruct

Source: own study.

3.4. Processes of converting the right of perpetual usufruct against the structure of public land in Krakow

When presenting the structure of land in the city of Krakow in terms of ownership title, data on the area of land in the city were assigned to types of ownership title, i.e. owned by the state, local government units and private (Table 2).

The cadastral area of the city of Krakow is 32,691 ha. As of 2023, the area of the state-owned and local government lands constituted approximately 42% of the total area of Krakow, of which 20% is land owned by the Municipality of Krakow, 18% is land owned by the State Treasury and 0.1% is land of the city with county rights and 0.03% is land of the province. The remaining share is private land.

Table 2

Land structure of the city of Krakow

Types of land ownership title	Voivodeship	Area in 2018 [ha]	Area in 2023 [ha]
State-owned land	State Treasury (excluding land let for perpetual usufruct)	3539	3247
	State Treasury (land let for perpetual usufruct	3335	3150
	State Treasury-owned enterprises, state enterprises, state legal persons	579	588
Municipality-owned land	Municipality of Krakow (excluding land let for perpetual usufruct) – municipal resource	5769	5818
	Municipality of Krakow (land let for perpetual usufruct)	1034	719
	Local government legal persons	78	96
County-owned land	City of Krakow with county rights – county resource	259	229
	County (land let for perpetual usufruct)	8	0
Province-owned land	Province (excluding land let for perpetual usufruct) provincial resource	93	91
	Province (land let for perpetual usufruct)	27	29
Private land	Natural persons	14665	14976
	Legal persons	3305	3661
Total		**32691**	**32690**

Source: own study based on data from the register of land and buildings.

Approximately 11% of land of the Municipality, approximately 45% of land of the State Treasury and approximately 8% of the Province remain in perpetual usufruct of various entities. The structure of perpetual users indicates that they are predominantly natural persons (11,000) and legal persons (1,500). The number of properties in perpetual usufruct that are located on the land owned by the Municipality of Kraków is 4590, while on the land of the State Treasury - 3096.

The next step in the research was the analysis of quantitative and spatial changes in land let for perpetual usufruct in Krakow. The area of land owned by the State Treasury in perpetual usufruct decreased by 185 ha, i.e. approximately 6%, compared to 2018, while the area of land owned by the Municipality of Krakow decreased by 315 ha, i.e. 30%. On the other hand, the area of land owned by the Małopolska Province in perpetual usufruct increased by 2 ha, while the county currently has no land in perpetual usufruct. In general, in relation to the entire city of Krakow, the area of land in perpetual usufruct decreased from 4,404 ha in 2108 to 3,898 ha in 2023, i.e. by 506 ha, i.e. approximately 12%. The area of land remaining in perpetual usufruct decreased mainly as a result of the conversion into ownership title made by virtue of law on 1 January 2019. Figure 1 illustrates the distribution of land let for perpetual usufruct in 2018, before the conversion by virtue of law. The next one (Figure 2) is as of March 2024.

The ongoing conversion processes result in a further reduction of the area of land in perpetual usufruct. The status of the implementation of the process of converting the right of perpetual usufruct in Krakow in 2018-2023 based on decisions (Ustawa, 2005) and certificates (Ustawa, 2018) in relation to land owned by the Municipality of Krakow and the State Treasury is presented in Figures 3a-3d, respectively.

In 2018-2023, 246 decisions (Fig. 3a) and 83,516 certificates (Fig. 3c) were issued regarding conversion of the lands owned by the Municipality of Krakow. The income obtained was PLN 17,109,790 (Fig. 3b) and PLN 98,676,768 (Fig. 3d), respectively, which amounts to PLN 115,786,558 in total.

The conversion process reached its peak in 2019, when the first stage of the systemic conversion of residential areas was implemented (Ustawa, 2018). At that time, 44,471 certificates were issued and the highest income was obtained, i.e. PLN 45,017,419 in total. Since 2021, conversion certificates have been issued mainly as part of the so-called "delayed conversion" for properties that have gradually been granted occupancy permit. On the other hand, the largest number of decisions were issued in 2018.

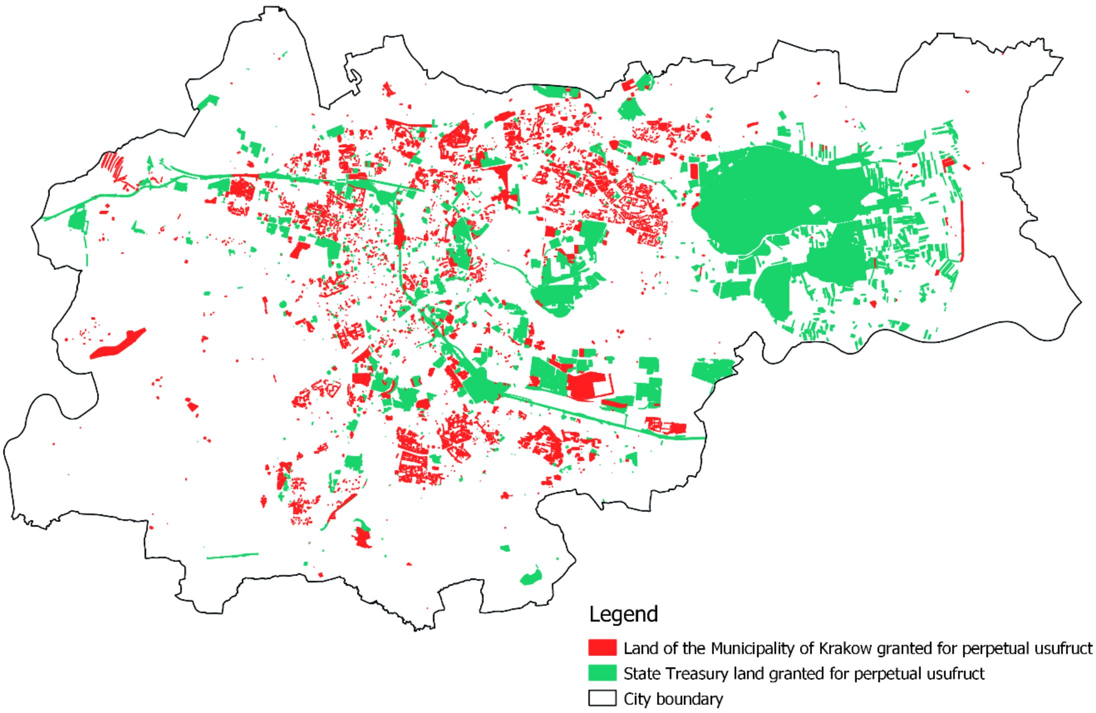

Fig. 1. Distribution of land in perpetual usufruct owned by the Municipality of Krakow and the State Treasury in 2018.
Source: Own study.

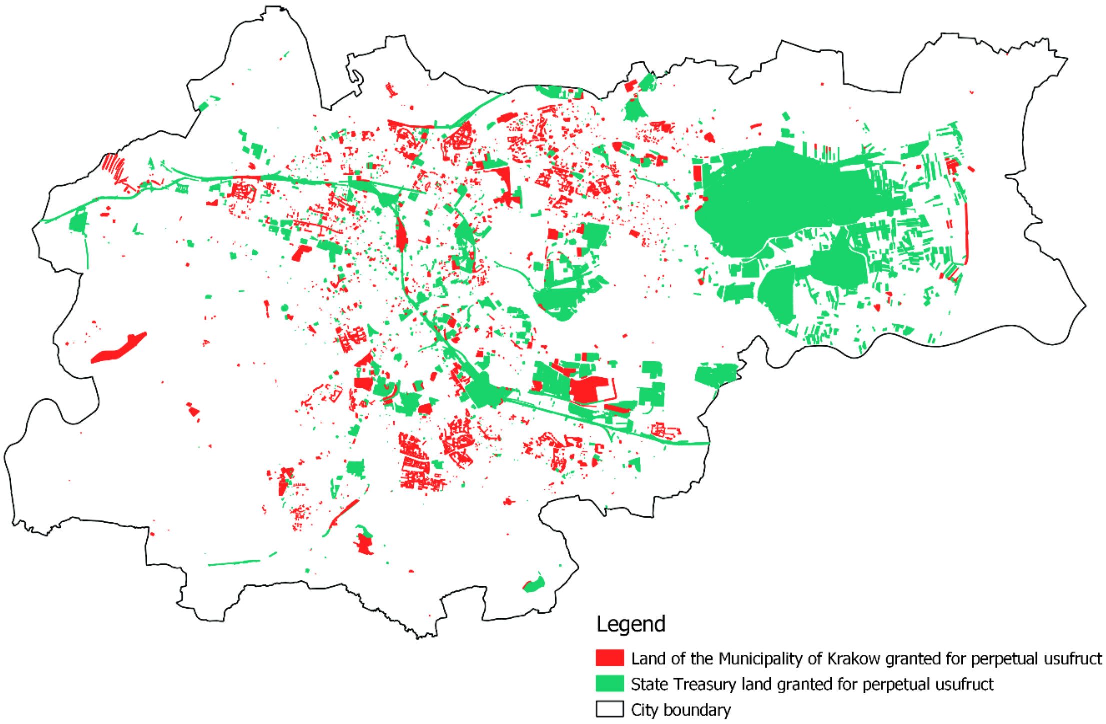

Fig. 2. Distribution of land in perpetual usufruct owned by the Municipality of Kraków and the State Treasury March 2024.
Source: Own study.

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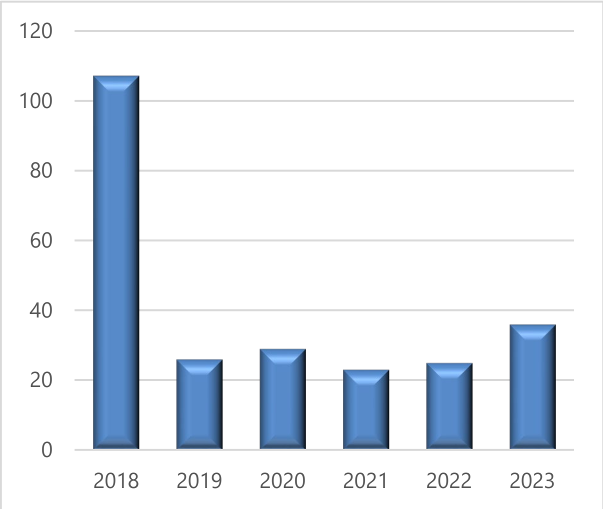

Fig. 3a. Number of decisions issued (Ustawa, 2005).

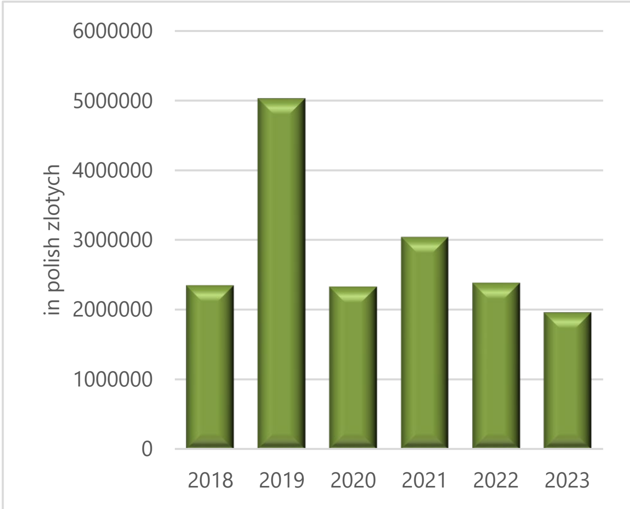

Fig. 3b. Income from conversion (Ustawa, 2005).

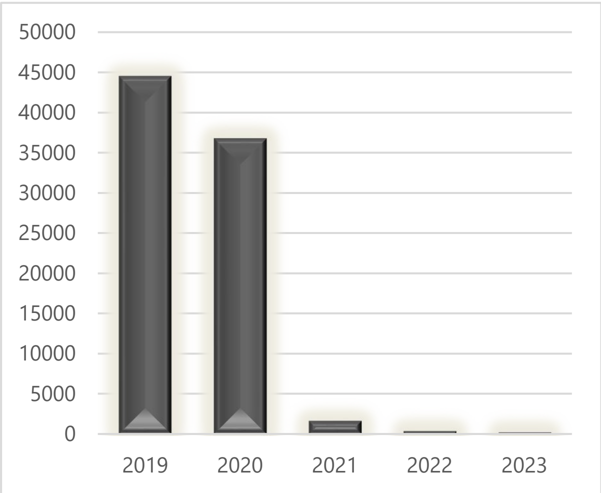

Fig. 3c. Number of certificates issued (Ustawa, 2018).

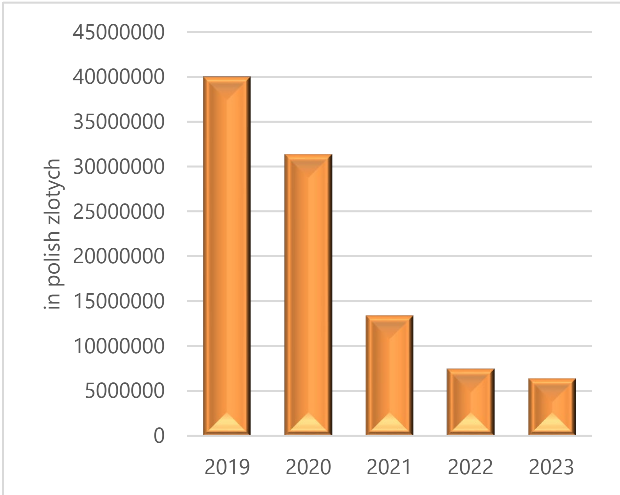

Fig. 3d. Income from conversion (Ustawa, 2018).

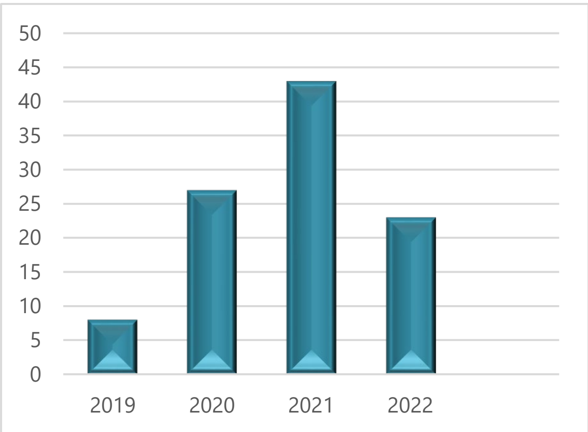

Fig. 4a. Number of decisions issued (Ustawa, 2005).

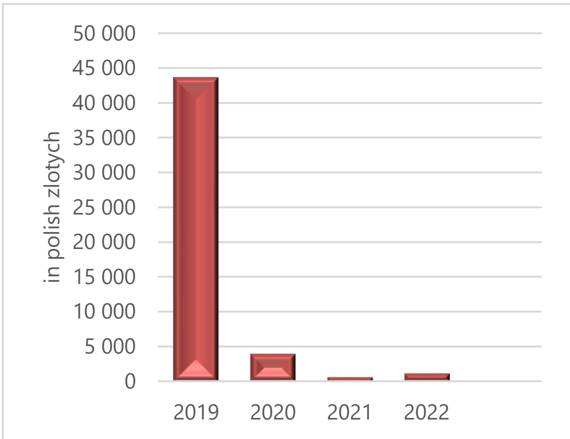

Fig. 4b. Number of certificates issued (Ustawa, 2018).

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With regard to land owned by the State Treasury, 101 decisions (Fig. 4a) and 49,578 certificates (Fig. 4b) confirming the conversion were issued in the years 2019-2022, with the largest number, i.e. 43,688 in 2019. The income for the years 2020-2022 amounted to a total of PLN 136,910,987 (Fig. 5). The largest number of certificates, i.e. 43,688, were issued in 2019, as was the case for the Municipality.

Further research was devoted to the procedure introduced in 2023, in order to answer the question of whether perpetual users are interested in filing claims to acquire ownership title and what the status of this process is. The analysis demonstrated (Table 3) that as of 1 August, 356 applications were submitted by perpetual users filing claims regarding land owned by the Municipality of Krakow. With regard to land owned by the State Treasury, perpetual users submitted 245 applications, some of which were rejected. The reason for the negative decisions, i.e. refusal to confer ownership title, was failure to meet statutory requirements, including release for perpetual usufruct after 1 January 1998, as well as the failure to develop the property or lack of applications from all co-users.

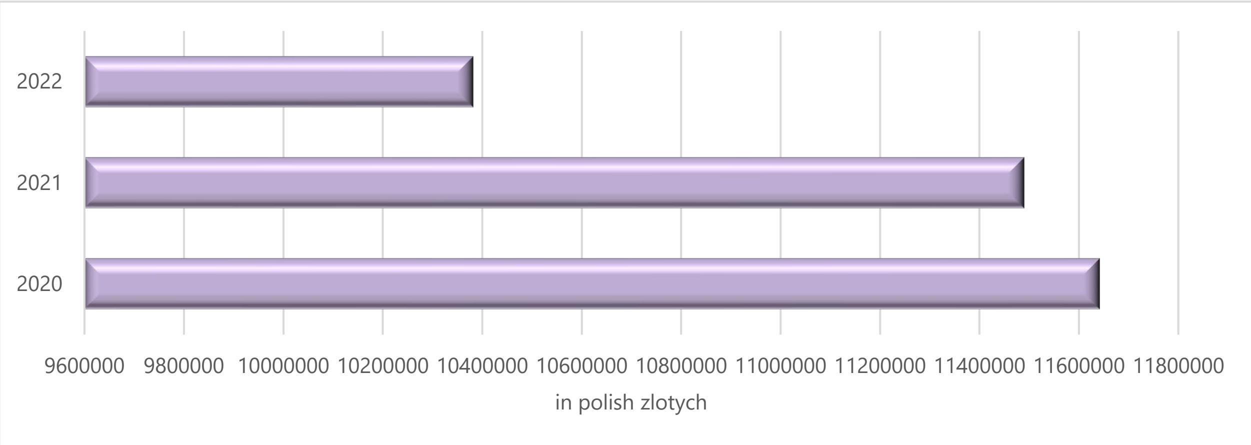

Fig. 5. Total income from the conversion of land owned by the State Treasury. *Source*: own study based on data from the Department of the City Treasury of the Municipal Office of Krakow.

Table 3

Applications for the sale of ownership title based on a civil law claim in Krakow according to the principles introduced in 2023 (as of 1 August 2024).

Pursuant to (Ustawa, 2023)	Land owned by the Municipality of Krakow	Land owned by the State Treasury
State Treasury (excluding land let for perpetual usufruct)	3539	3247
State Treasury (land let for perpetual usufruct	3335	3150

Source: own study.

The number of properties owned by the Municipality in perpetual usufruct accounts for 4,590, while the number of properties owned by the State Treasury is 3,096. Comparing these data with the number of entities filing claims, it can be stated that the process based on the introduced principles will not affect significantly the elimination of the right of perpetual usufruct. This is a consequence of the introduced restrictions on the granting of a claim for the sale of ownership title, demonstrated in Table 1.

4. Discussion

A number of problems arise in the practical implementation of the introduced forms of acquiring ownership title as part of the claim. The basic problem is related to the limitation of the possibility of requesting the acquisition of ownership title to developed real estate. The concept of a developed real estate is not defined in the Act. There is a doubt as to whether the claim for acquisition covers only land on which there are objects corresponding to the concept of a building. In the opinion of the Ministry of Development and Technology of 29 November 2023, the claim concerns only real estate developed with buildings. However, it seems that taking into account also other ways of developing real estate and the wording of Art. 239 §2 (Act, 1964), it should be assumed that it refers to all building structures. In its judgement (Judgement, 2004), the Supreme Court found that there were no reasons to limit the concept of a developed real estate only to the one on which a building had been erected. In various decisions, the Supreme Court considered real estate as developed in the case of the location of structure of a very different nature, e.g. a collective sewage settling tank, a complex of parking lots (judgement, 2006

Another problem concerns the criterion of the date of letting real estate for perpetual usufruct, which determines the possibility of requesting sale. According to the regulations, a demand for sale is not valid if the property was let for perpetual usufruct after 1 January 1998. There is a doubt as to whether this date means the date of conclusion of the perpetual usufruct agreement or entry in the land and mortgage register. According to Article 27 (Act, 1997), letting a real estate property for perpetual usufruct and transferring this right by way of an agreement requires an entry in the land and mortgage register. An entry in the register therefore has constitutive significance in these cases.. Only in the case of acquisition of the right of perpetual usufruct by virtue of law the entry of perpetual usufruct in the land and mortgage register is of a declaratory nature.

The acquisition of ownership rights to land strengthens the sense of legal stability of existing perpetual users of land, as it eliminates the temporary nature of their rights, the associated annual fees and the possibility of expiry of perpetual usufruct. Obtaining stable and strong land rights will allow entrepreneurs to invest safely in land, thereby contributing to economic development.

Nevertheless, the relatively small number of applications is due to economic factors. The main problem is the method of determining the sale price, in particular the additional fee applied to entrepreneurs. The sale of real estate used for economic purposes to a perpetual user constitutes State aid granted to the purchaser if the latter is an entrepreneur.

In practice, when purchasing real estate, the entrepreneur is required to pay, in addition to the price, an additional fee equal to the difference between the agreed price of the real estate and its market value. The value of the perpetual usufruct right is irrelevant. Currently, the price is 20 times the amount equal to the product of the current annual perpetual usufruct fee and the value of the land determined on the date of conclusion of the sale agreement in the case of a one-off payment, and 25 times that amount in the case of payment in instalments.

Most of the properties covered by the applications are used for economic purposes. In principle, the annual fee for properties used for economic purposes is 3%. In this case, the entrepreneur must pay a one-off purchase price of 60% of the value of the property. In addition, with regard to entrepreneurs, the legislator has provided for solutions eliminating the risk of granting unlawful state aid, including the application of the 'de minimis' aid mechanism and subsidies to the market value of the land. For example, if the value of the property is PLN 5 million, the price will be 0.3% x 5 million x 20 years = PLN 3 million. The amount of the subsidy is PLN 0.8 million (PLN 3 million - PLN 1.2 million). In total, the entrepreneur will pay PLN 3.8 million, assuming that he has not used the aid limit to which he is entitled. However, if this limit has been used, the price paid by the perpetual user of land will be equal to the value of the property ownership right.

These provisions were intended to secure the income of local government units and the State Treasury as a kind of compensation for the reduction of annual fees for the acquisition of ownership rights. This avoids a conflict of interest between the above-mentioned entities.

5. Conclusions

The legislative changes introduced successively in Poland have been aimed at the gradual elimination of perpetual usufruct As of 1 January 2019, developed land was converted by virtue of law for residential purposes.

The purpose of the new rules, which came into force on 31 August 2023, is to enable the acquisition of ownership title to developed land, regardless of the intended use of buildings erected on this land, if perpetual usufruct was established before 1 January 1998. The new solution is to introduce a civil law claim for the acquisition of ownership title into the legal system, which can be filed within 1 year. In the event of a refusal, it is possible to pursue rights in court.

In the years 2018-2023, 246 conversion decisions and 83,516 certificates were issued in relation to land owned by the Municipality of Krakow. The peak was observed in 2019, with the introduction of conversion of residential areas by virtue of law. This resulted in the issuance of approximately 45,000 certificates of conversion and the highest annual income - approximately PLN 40 million. In the years 2018-2023, the Municipality earned a total income from conversion of approximately PLN 116 million, of which the predominant amount, i.e. approximately PLN 99 million, was obtained from residential areas.

In relation to land owned by the State Treasury, 49,578 certificates confirming conversion were issued in the years 2019-2022, with the largest number issued in 2019 - 43,688. The income for the years 2020-2022 amounted to a total of approximately PLN 137 million.

The largest number of certificates, i.e. 43,688, were issued in 2019, as was the case for the Municipality.

Research on the implementation of the process of claims for the acquisition of ownership title, initiated by the new regulations, revealed relatively little interest from perpetual users. As far as land owned by the Municipality is concerned, 356 applications were submitted (as of 1 August 2024) regarding claims for the acquisition of ownership title (Act, 2023) and 245 applications in relation to land owned by the State Treasury. The applications are at the implementation stage. These data allow us to state that the process of converting perpetual usufruct into ownership title, based on the principles introduced, will not significantly affect the elimination of perpetual usufruct.

The relatively small number of applications is due to economic considerations. The main issue is the method of determining the sale price, in particular the additional payment applicable to entrepreneurs. There is no literature on the issue of claims for ownership by perpetual users of land. This is a new issue, as the regulations came into force in August 2023. Existing publications refer to the conversion of perpetual usufruct into ownership. For this reason, this publication will contribute to the launch of a discussion on the processes of acquisition of ownership of real estate by perpetual users of land under the discussed procedure.

In pursuing the research objectives, the main problems and interpretational doubts were identified regarding the principles on the acquisition claim introduced in 2023. These problems focused on the imprecise definition of the scope of real estate covered by the acquisition claim. The research results indicated the need to modify and clarify the regulations in order to introduce unambiguous rules for the qualification of real estate subject to the claim for acquisition of ownership title. This primarily involved specifying what type of development met the criteria for requesting the sale of ownership title to the perpetual user. The authors also identified the necessity to clearly define whether the date on which the admissibility of the claim depends is the date of conclusion of the contract or the date of entry of the perpetual usufruct right in the land and mortgage register. This would eliminate practical problems and ensure uniformity of proceedings conducted by public administration bodies. The research meets the research objectives and confirms the thesis presented in the Introduction.

The research can be used in discussions on the shape of the next stage of legislative changes aimed at further, gradual elimination of perpetual usufruct rights. In a further stage, the research may serve as a basis for subsequent, more extensive analyses of the financial impact. It would be important to examine how this process ultimately affected the budget of local government units and the State Treasury on the basis of a selected example.

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