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THE FREEDOM TO CHOOSE COUNTERPARTY TO AN AGREEMENT UNDER LAND LAW

The article is devoted to the principle of freedom of agreement as one of the aspects of land law. The author highlights the freedom to choose counterparty to an agreement under land law as one of manifestations of the freedom of agreement in land law. The freedom to choose counterparty to an agreement represents a derivative from the presumption set out in Article 19 of the Constitution of Ukraine, according to which nobody may be forced to do something not provided by law.

In the scholar's opinion, limitation of the freedom to choose counterparty should mean legal framework within which a party must choose the other party to an agreement or refrain from choosing it. The author's stance on these matters is aimed, first of all, at reducing the instances of limiting the principle of freedom of agreement in land law. When studying the instanc-

es of limiting the principle of freedom of agreement, the author stresses that limitation of the principle of freedom to choose counterparty to an agreement under land law is found, first of all, in the instances of limiting such manifestation of the freedom of agreement as the freedom of expression of will to enter into a contractual relationship. In particular, the scholar includes to these instances: demands for special legal personality for land plot owners, sale of land plots on competitive basis, effect of the right to priority purchase of a land plot, requirements to counterparties in land mortgage sphere, etc.

The work also devotes substantial attention to resolution of legal collisions and problems arising from limiting the choice of counterparty to an agreement. When studying these collisions and problems, the author substantiates and recommends certain ways of solving them.