

# DISCUSSION ON COMPENSATION PRICE FOR DAMAGES WHEN THE STATE EXPROPRIATES LAND USE RIGHTS

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***Abstract:** The rights of individuals whose land use rights are expropriated for public interest are determined by 2013 Law on Land and its implementing regulations. Compared to previous laws, the current ones on this issue are designed to better protect the legitimate rights of these individuals, as well as the State and enterprises granted the expropriated rights to land use. However, there are still limitations in the laws on compensation. This article points out these limitations and proposes ways to overcome them.*

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The compensation to people whose rights to land use are expropriated for public interests is specified in the 2013 Law on Land and the guiding documents for the implementation of this law. Compared to previous laws, the current ones aim to better protect the legitimate rights of individuals whose land use rights are expropriated, as well as those of the state and enterprises. However, these legal provisions on compensation still have limitations. This article will discuss the limitations of current legal provisions and propose effective solutions.

## **1. Legal limitations concerning compensation for land use rights and the management of compensation funds in the event of disputes**

According to the 2013 Law on Land, not all cases of land use rights expropriation are entitled to compensation, such as when the use of the land is illegal or when the land use rights is expropriated to serve national and public interests. Compensation is only provided if the person whose land use rights are expropriated has a land use right certificate or is eligible to be granted one. In addition, other conditions specified in Article 75 must also be met, and the case must not fall under Articles 76 and 82 of the 2013 Law on Land. These

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