

ANALYSIS OF MODERN PROBLEMS AND STATE OF LAND RELATIONS

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The problems of the current state of land relations and public land policy in Ukraine were investigated. Key factors that lead to inhibition of the land reform were defined. Measures to be implemented at this stage of land reform were proposed.

Keywords: land relations, land reform, public land policy, moratorium and lease of land ownership, land market.

Problem statement

Land relations are public relations about ownership, use, instruction, and management of land in state, region, economic and internal level as object management, and as production.

On December 18, 1990 Act "About Land Reform" by the Verkhovna Rada of the Ukrainian SSR was adopted according to which land reform is a part of the provided in Ukraine economic reforms in connection with the transition state economy to a market economy.

The first policy document of reformation of land relations in Ukraine is Decree of the President of Ukraine "On the main directions of land reform in Ukraine for 2001-2005" № 372/2001 from 30.05.2001, the

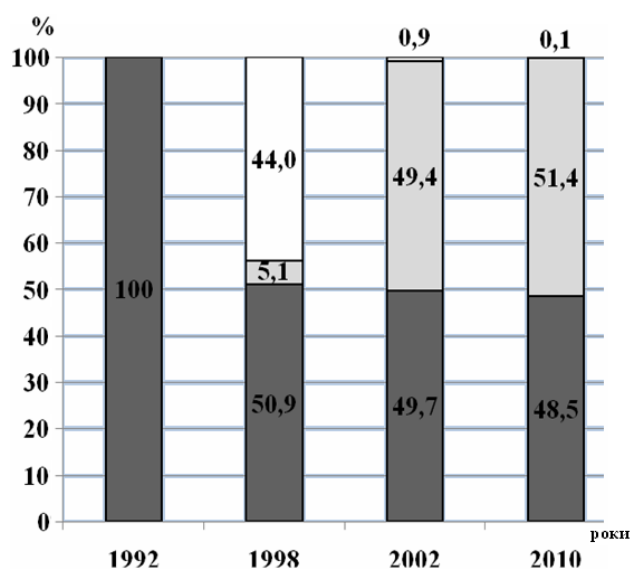
As a result, reformation of state has lost the monopoly ownership of land (Pic. 1).

According to the Ministry of Agriculture and Food on December 2012 in the public domain were only 14.58 million hectares of land (agricultural land - 7.7 million hectares, including arable land - 2.9 million hectares) of private property - all 30.92 million hectares (agricultural land - 30,550,000 hectares, including arable land - 26,85 million ha).

Therefore, Ukraine passed the most difficult stage of land reform - denationalization and privatization of agricultural land were held. The market circulation land areas between landowners and land-users was launched, although it is not yet full value, because there is a ban on the alienation of land plots for commercial farms and land shares (shares) except in succession and removal for public needs.

Today already two phases of land reform are completed and implemented the third stage, directed on development of mechanisms and opportunities of embodiment of landowner's rights in a civil appeal. However, land reform has not produced the desired

results, in the field of land relations negative trends are observed.



Pic. 1. Structure change of land resources of Ukraine on forms of ownership, %:

- – collective (according to state regulations);
- ▒ – private;
- – state

Studies and Publications analysis

Since independence of Ukraine problems implementation of land reform basic principles of regulation and ways of improvement of land relations and expected outcomes studied many scientists. At the present stage of land relations development, special attention should be to works of I. Bystryakov [3], L. Grekov [11], B. Danilishin [1], D. Dobryak [6], A. Miroshnichenko [11], L. Nowakowski [6], A. Tretyak [6], A. Yurchenko [10, 11], A. Martin [5], J. Dorosh [4].

At the legislative level studying of land relations problems in Ukraine, causes and solutions is dedi-

cated to the Act of Cabinet of Ministers of Ukraine "On approval of the Concept of the State development programs of land relations in Ukraine for the period till 2020» № 743 - from June 17, 2009 and "Action plan for the implementation of land reform and the establishment of a transparent land market agricultural appointment» № 1072-r from October 26, April 2011.

In addition, a draft is worked out by Cabinet of Ministers of Ukraine "On Approval of the State Program of development of land relations in Ukraine for the period till 2020", according to which the aim of the program is to identify and implement key policy directions aimed at improving land relations and creating enabling environment for sustainable land use of urban and rural areas, promoting solving environmental and social problems in the village, development of high competitive agricultural production, the conservation of natural values of agricultural landscapes.

Meanwhile, some issues are still not sufficiently investigated and need further study, especially it concerns status and conditions analysis of improving land relations, land reform today market.

Purpose of work – analysis of contemporary problems of land market relations formation in Ukraine and determination of the most relevant trends in their development.

Trends in land relations

Incomplete of land reform and lack of necessary regulatory and legal support can be considered as the main problem of formation of market land relations in Ukraine. Therefore, it is important to identify main factors leading to its inhibition.

The existing problems in the sphere of land relations are caused, above all, by lack of a balanced national land policy and its implementation mechanism, an effective system of financial-economic and land management mechanism of regulation of land relations and land use, land parceling and the creation of a large number of small-size and low-performing farms, non-systematic in addressing problems encountered during the implementation of land reform in Ukraine, along with the reform of ownership property, the introduction of new management organizational forms, ignoring integrated approach problems to rural development in land reform process.

Despite the considerable amount of adopted laws and regulations in the field of land reform, bo-

dies, authorized to carry out land reform (especially at the local level), faced with major challenges:

- series of controversial laws, making them difficult to implement, and therefore the holding of land reform;

- land redistribution, provision and tightening of the ownership and use require considerable amount of work and large dependent on funding.

State Land Agency made its efforts on issuance of former members of collective farm - owners of certificates entitled to land share (beginning in 2013 6.60 million to citizens of the 6,920,000 who were given a land share, issued act of state of property rights to land, representing 96.7% of those who received certificates are issued 6.41 million of state acts). This work is almost completed, but the registry, passing to serve the land market, only started to form.

In crisis state are village territories. After the privatization of state and communal agricultural enterprises, institutions and organizations right for land part receiving (share) gained 6.92 million people, representing 46.4% of the village population and only 14.8% of the total population Ukraine. In this case, there are significant disparities caused by regional peculiarities organization of agricultural production. Prerequisite of effective development of agriculture is guaranteeing to economic entities the property rights to land, property and the results of their work. Practice of world economy certainly shows that private ownership of land in any country stimulates economic growth through more efficient use of land resources. In turn, the efficiency of the market system are depends on how fully-implemented property rights, including the ability to purchase / of sale of the object of ownership.

At present stage in Ukraine the legal framework for regulating the formation and risk-voltage farmland is created. Moratorium on the sale of agricultural land continues, despite the fact that at present there are 9 ways to work around it. The lack of land market, the rental market undeveloped land agricultural purposes, risky transactions with real estate not contribute active registration of rights to land and inventorying.

The only real existing market segment of village lands is land lease. Approximately half of the land lease agreements for a period of up to five years that does not meet the technological requirements of crop rotation do not encourage the lessor to invest in draft land protection and fecundity reproduction and leads to the risk of exhaustion in the near time most of the

fecundity lands, leased on short and medium terms. According to the State Land Agency the last time you can see some positive developments: the number of leases from 6 years has increased, while the number of lease agreements to 5 years is reducing (Table 1).

Table 1

Number of lease agreements for a term effective, %

Effective term of lease agreement, years	01.01.2009	01.01.2011	01.07.2012
> 10	10,2	11,4	13,3
6–10	29	33,9	40,1
4–5	50,3	46,2	41,5
1–3	10,5	8,5	5,1

Only in recent years began restoration of land management activities of forecasting and planning the use and protection of land develop-ing land management projects that provide environmental and economic basis of crop rotation and streamline land.

Strategic planning of land relations is not carried out, resulting public land policy comes to regular events that are not allocated to the positive social and economic outcomes.

The main disadvantages and problems of state land policy in Ukraine can be detected by comparing the requirements for good governance of the Food and Agriculture Organization (FAO, Food and Agriculture Organization of the United Nations, FAO) [10, 11] of the current state of public land policy in Ukraine (table 2).

As can be seen from the table. 2, virtually no recommended FAO requirement is not fully implemented in practice Ukrainian state policy.

National Land Policy of Ukraine does not meet full European and international criteria and requirements of effective land management. Thus, the creation of a modern system of public land management is the main problem, the solution of which would create a clear mechanism for the regulation of land relations.

Given the highlighted problems are expected score citizens of the state land policy according to the Ukrainian Centre for Economic and Political Studies named after O. Razumkov:

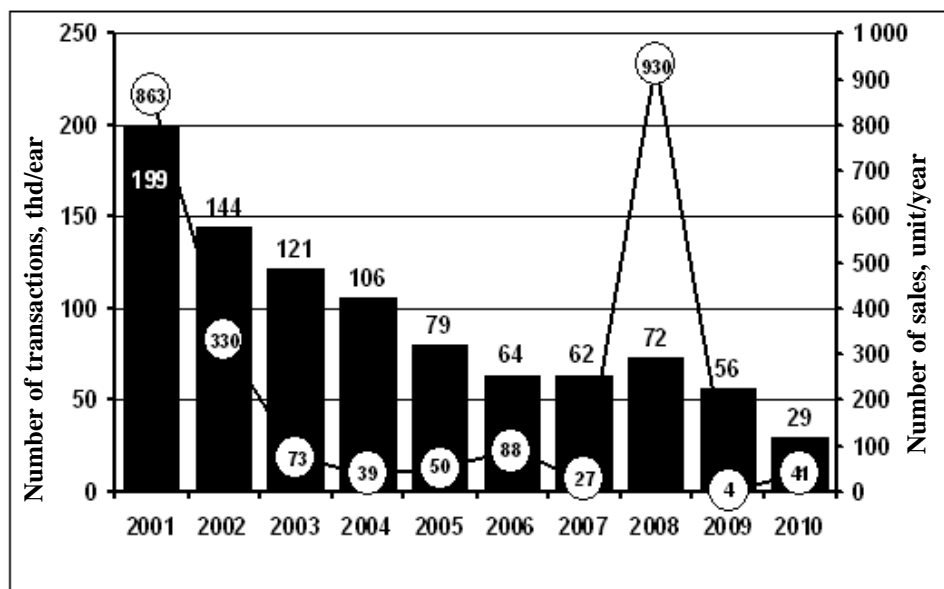
- negative evaluation expressed 34.8% of those asked;
- positive assessment - only 5.5%;
- 27,7% of respondents did not know about State land policy;
- categorically to land policy have villagers where negative evaluation expressed 40.5%;
- almost half (48.7%) of citizens (including 53.5% - the villagers) believe that as a result of the agrarian reform financial situation of villagers became worse;
- only 3.2% of respondents consider themselves to be well acquainted with the provisions of the existing land laws;
- 41,4% – know partial;
- 51,8% –know nothing.

According to expert of Land Union of Ukraine M. Kobets [12] general market activity of the population over the period 2001-2011 reduced in 7 times (pic. 2).

Table 2

**Comparison with the requirements of FAO UNO with modern state
of public land policy in Ukraine**

Good governance	Current national land policy in Ukraine
Land legislation is a systemic and well connected with legislation in other spheres of society and the state	Legislation of Ukraine in the sphere of land relations is not complete, holistic and has a number of contradictions. Some components of land tenure and land use are not covered by the legislation
Elected bodies at all levels is an effective element of public policy	The effectiveness of local governments is low due to inefficient allocation of functions and powers between them and the state administration and the lack of resource opportunities
System development and implementation of state land policy is effectively integrated in the national system of public administration	National and regional programs and plans in the fields of industry, energy, urban planning, etc. are not always consistent with the plans of land reform, land use regulations and environmental regulations. Imbalance of land resources compounded due to lack of a comprehensive program of action and lack of budgetary provision. The coming to power of new political forces leads to a change in political leadership not only at the level of ministries and departments, but also managers and professionals across the power vertical
Information Support System is a complete, consistent, detailed, accessible and convenient	Elements of cadastral and registration systems are designed to international norms and practical needs, but has not been yet fully implemented
Bodies of land management are covered with efficient and transparent system of control and audit	Control over land and land use is concentrated in the most controls. State control is mainly to respond to abuses in land use, but not to prevent them or to correct its land policy



Pic. 2. Total Number of transactions and Number of sale of land parts (shares) for years

■ – Number of transactions;

○ – Number of sales

Thus, we can formulate the following problems of land relations:

- incomplete economic and legal property relations;
- lack of necessary regulatory support for the formation of land market relations;
- shortcomings of existing land laws;
- moratorium on the sale/purchase of agricultural land;
- parceling agricultural land due to sharing;
- politicization of public land management;
- corruption in land relations;
- rapid development of informal land markets;
- acute risk of investment in the land due to the instability of the state land policy;
- non-economic incentives and sanctions as tools of economic management of land use;
- complete economic dependence peasants, landlords owners of modern agricultural structures;
- high agricultural development the territory of (percentage of land in its natural state amounts to about 8% of the total area of the country);
- inefficient use of land, over plowed land;
- Failure works to protect soil and the lack of comprehensive measures for the protection of land;
- legal uncertainty regulate land use;
- ignoring the systematic monitoring of socio-economic, environmental, demographic outcomes of land reform and land use.
- Measures that should be introduced at this stage of land reform:
 - continue the improvement of existing and the introduction of developed legal support for the formation of market-ing land relations, which would be consistent with the standards and criteria of good governance the-Mielno resources of the EU;
 - establish strict regulations pillars tion of land relations, which should reduce the offense to a minimum;
 - establish a certain amount of agricultural land-purpose public agricultural land fund to ensure food security;
 - for the formation and functioning of the land market, the Law of Ukraine "On the use of agricultural land," which has become a key step in determining the organizational and legal mechanism for the introduction of a regulated market turnover of agricultural lands, increase the liquidity of land as an economic asset;
 - inform the rural population about the current land legislation;
 - develop a system of sanctions and incentives that, the need to consolidate agricultural land-ng and preventing the deterioration of the natural state;
 - introduce economic incentives for sustainable use and protection of land;
 - control the preservation of agricultural land designation;
 - encourage the purchase of degraded and low-productive agricultural land for afforestation, gardening,

cottage building, recreational or other purposes, Shogo agricultural use;

- introduce a progressive tax on land that is not processed;
- the sale of public lands for agricultural purpose with the obligatory pre-term leases (probation);
- introduce preferential right to purchase of agricultural land private property in the event of-sale that will create a powerful regulatory tool for overcoming part land as the most negative consequences of reform of land relations.

Conclusions

During reforming land relations and rapid pace of redistribution of ownership of land and inefficient use of land resources in recent years land-Ukraine relations can not be considered in isolation from the complex associated social, economic, environmental and legal issues.

Among the citizens of Ukraine does not clearly support public land policy, to some extent due to the contradictory procedure sat taking place in this area.

To improve land relations and the further development of the land reform should focus on solving the problems of formation of market circulation of rural land rights, agricultural destination. Market land relations should be based on modern organizational approach and legal framework.

These measures should be introduced at this stage of land reform, provide adapted to modern requirements of their development based transformation of land use and minimize negative environmental impact.

References

1. Danilishin, B. 2006. *Land relations as a factor of development*. Uriadovyi Kurier. N 91. P. 6 (in Ukrainian).
2. *National Land Policy in Ukraine: Current State and Development Strategy (Analyst)*. 2009. National Security and Defence. N 3: 2–17 (in Ukrainian).
3. Bistryakov, I.K.; Novotorov, O.S.; Nikolayenko, T.S.; Kucher, O.O.; Budzyak, V. 2002. *Some institutional aspects of land relations in Ukraine: improvement status and areas*. Kyiv, 2002. 134 p (in Ukrainian).
4. Dorosh, J.M. 2011. *Prediction of land relations based on changes in the structure of regional land use*. Efficient economy [Online scientific editions]. Dnepropetrovsk. Available from Internet: <<http://economy.nayka.com.ua/index.php?operation=1&iid=817>> (in Ukrainian).
5. Martin, A.G. *Prospects for the development of land relations in Ukraine in the post-reform period* [Online resource]. Available from Internet:

<<http://zsu.org.ua/index.php/andrij-martin/93-2011-06-24-14-13-52>> (in Ukrainian).

6. Novakovsky, L.Y.; Tretiak, A.M.; Dobryak, D.S. 2001. *Land reform and land management in Ukraine*. Kyiv, 2001. 138 p (in Ukrainian).

7. Novakovsky, L.Y. 2009. *Ways of improvement of the legal regulation of land relations*. Journal of Land Surveying. N 4: 20–24 (in Ukrainian).

8. *The Food and Agriculture Organization of the United Nations "Good governance in land use and land management"* [Online resource]: FAO research on land tenure. Rome, 2008. Issue. 9. 57 p. Available from Internet: <<http://www.fao.org/docrep/010/a1179r/a1179r00.HTM>> (in Russian).

9. Tretiak, A. 2009. *Main directions of change and improvement of the state's land policy in Ukraine*. National Security and Defence. N 3: 58-63 (in Ukrainian).

10. Yurchenko, A.D. 2011. *Conceptual foundations of organizational and legal support completion*

of land reform in Ukraine. Land Resources in Ukraine in the context of land reform: Present and Future: Proceedings Internat. scientific and practical. conf., Jun 10. 2011. Kyiv, Vintage. P. 70–75 (in Ukrainian).

11. Yurchenko, A.D.; Greeks, L.; Miroshniuchenko, A.M.; Kuzmin, A.V. 2009. *The current land policy in Ukraine*. Kyiv, Intertekhnologiya. 260 p (in Ukrainian).

12. Presentation of the report of the expert of the Association «Land Union of Ukraine» M. Kobets «*Formation of agricultural land market in Ukraine: changes, trends and international experience*», 2011. Available from Internet: <<https://www.google.com.ua/url?sa=t&rct=j&q=&e src=s&source=web&cd=1&cad=rja&ved=0CDAQFjAA&url=http%3A%2F%2Fkharkivoda.gov.ua%2Fdocuments%2F5439%2F414.ppt&ei=eS56UbuTF8XGPMC7gdgH&usg=AFQjCNER5tn0JzEHkxpSinUhuRHNTxN3w&bvm=bv.45645796,d.ZWU>> (in Ukrainian).

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T.V. Kozlova. Analysis of modern problems and state of land relations

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Problems of the current situation of land relations and public land policy in Ukraine are investigated. Key factors that cause inhibition of land reform are identified. It was noted that public land policy today does not correspond to the full European and world standards and requirements of effective land management, so creating modern public land management is the main task, which will create a clear mechanism for land relations regulation. It was found that land issues can not be seen in isolation from the complex related to social, economic, environmental and legal issues. The measures to be implemented at this stage of land reform are proposed.

Keywords: land market, land reform, land relations, lease of land ownership, moratorium, public land policy.

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T.V. Козлова. Анализ современных проблем и состояния земельных отношений

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Исследованы проблемы современного состояния земельных отношений и государственной земельной политики в Украине. Определены главные факторы, вызывающие торможение земельной реформы. Отмечено, что государственная земельная политика на сегодняшний день не соответствует в полной мере европейским и мировым критериям и требованиям эффективного управления земельными ресурсами, поэтому создание современной системы государственного управления земельными ресурсами – основная задача, решение которой позволит создать четкий механизм регулирования земельных отношений. Установлено, что земельные отношения невозможно рассматривать изолированно от комплекса связанных с

ними социальных, экономических, экологических и правовых проблем. Предложены мероприятия, которые необходимо внедрить на данном этапе реформирования земельных отношений.

Ключевые слова: аренда земель, государственная земельная политика, земельные отношения, земельная реформа, мораторий, право собственности, рынок земель.

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