UDC 332.363

CLASSIFICATION OF MODERN LAND MANAGEMENT PROBLEMS ARISING FROM THE LAND REFORM

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Discussions on fundamental concepts in land management have been and are ongoing throughout the land reform process.

In such circumstances, domestic scientists have made considerable efforts to solve the problems of land management and land reform, beginning, first of all, with the systematization or classification of problems arising in the process of land reform or land management.

The problems of interpretation of the concept of land management in Ukraine are investigated; this investigation is based on the legislative support of land management, on the ways of implementation of the land reform and its results, and on the researches by domestic scientists.

The analysis of problems, arisen as a result of the implementation and incompleteness of the land reform and which typically occur during implementation of the land management at the present stage and in previous years, has been made on the basis of a chronological analysis of scientific research.

A scheme of classification of the problems of land development is proposed; this scheme includes problems of the land management and problems of the land reform.

The conformity analysis concerning land management at different levels and its corresponding purposes has been made; these purposes are currently fixed by the regulatory legal acts.

The result of the conducted research and the classification of the problems of land development will further be reflected in the deepening of the research on the specific problems of land management and in the application of a systematic approach to their solution.

***Keywords**: land management, land reform, land cadastre, land use purpose, sustainable land use.*

Formulation of the problem. Currently, the land management does not meet its legally fixed designation in terms of a rational land use and land protection, of organization, planning and forecasting of the sustainable land use, of the implementation of the national programs of land use and protection, etc.

Therefore, current land management in Ukraine is mostly a tool for land registration, land ownership or use, and for registration of the land property rights. This means that the institutional concept of land management has become extremely narrow in the process of land reform.

It should be emphasized that the land regulatory documents in Ukraine are aimed, first and foremost, at becoming an instrument for the sustainable development of land; and the decisions, made in the process of land management, are focused on a long-term prospect and formation of sustainable land use.

Analysis of the recent researches and publications. Since the beginning of the land reform, Ukrainian researches have been more and more interested in the issues that had arisen during the implementation of land management and the implementation of the land reform itself.

Thus, the problems of land management were considered by Dobryak D., Melnychuk O. and Chernyaga P. [5, 9]; the normative-technical support of land management and problems of regulation of land relations were investigated by Novakovskyy L. [10, 11]; Tretyak A. devoted his works to the scientific support of

the methodological land management principles [12, 13]; Martyn A., Avramchuk B., Buryak I., Kovalyshyn O. paid more attention to the issue of evaluation and capitalization of agricultural lands [1, 3, 8].

The purpose of the article is to classify the main problems that have arisen as a result of the implementation and incompleteness of the land reform, and which occur in the implementation of land management currently.

Presentation of the essential material. In 2008, G.I. Sharii [15] researched land management problems in the sphere of the State land regulation and management, and proposed ways to complete the land reform at that time. The main problems, highlighted by the scientist, can be summarized as follows:

– ignoring the problems of the development of territorial and spatial planning of land use;

– unreasonably low payment for land compared to developed countries;

– too much regulation of land relations, which entails slow registration and re-registration of property rights to land plots.

In 2010, O.Melnychuk and P.Chernyaga has proposed to identify several groups of major land management problems [9]. One of these groups is related to the environmental land use problems, to which the authors attribute the majority of the negative effects resulting from over-intensification of agricultural production without considering environmental and rational use requirements. As of 2019, such problems were exacerbated by the development of large agricultural producers, whose main purpose is to profit from the sale of agricultural products.

In addition, the technical and technological problems of land management are another important group. According to O.Melnychuk and P.Chernyaga, these problems are manifested in the inconsistency of the state policy regarding the territorial and spatial development of land use. Indeed, at present, the formulation of the Land Resources Development and the Land Protection Programs is more an exception rather than a rule.

In 2012, Y.Dorosh [6] noted that the state did not have a nationwide program of land use and protection, there was no scientifically grounded clear

position on the formation of land tenures and land use, as well as there was no forecast of the consequences of implementation of the land reform.

The scientist states that “the miscalculations in the strategy and tactics of the land reform in its first stage consisted in overvaluing the private ownership factor over other factors of effective land use, in underestimating the social factors of reform’s implementation, as well as in the role of land management and environmental problems of land use” [6]. In addition, he emphasizes that land management, in the transformation of land relations, must perform such functions as social, environmental, legal, innovative, urban, forecasting, investment, and informational.

Considering the research of D.Dobryak on land management problems, the scientist once again drew attention to the fundamental principles of land management in 2012 [5], when the land reform had been going on for twenty years.

Dobryak D. notes that in the 1970s, Ukraine had “scientifically substantiated nature, content and principles of planning and forecasting of land use; this was reveled in the development of a General Scheme for Land Use and Protection. At that time, it was a breakthrough in the scientific thinking concerning levels of land management; of course, that led to the need for a new look at the nature and role of land management in the development of productive forces of the state. In addition, the District Planning Schemes, being extensively developed at that time, had significant shortcomings in addressing the issues of efficient land allocation, use and protection. This led, first of all, to the need for awareness of new specialized developments in the use of land resources and their protection. The aforementioned stipulated the first step to deepening of the theory of land management regarding a significant extension of its essence from the economic level to the national, and eventually the regional”[5].

In addition, the actor focuses on an extremely important issue that theoretically should have been resolved before the beginning of the land reform, but this issue was relevant as at the time of D.Dobryak's research in 2012 and is

still relevant today. The scientist gives different interpretations of the concept of land management by different local researchers: “so, in the publications of Doctor of Technical Sciences, Professor S.Voitenko, Doctor of Technical Sciences M.Volodin, Doctor of Economics Sciences, Professor, corresponding member of NAAS of Ukraine A.M. Tretyak, PhD in economics O.Kovaliv and A.Shvorak, the nature of land management is interpreted as different concepts, namely: land use organization and land management, territorial land management, integrated state land use organization and land management, separate land management, ecological and landscape land management, etc. ”[5].

Also, Dobryak D. addresses the works performed within the framework of land management at the national, regional and local level, and considers that “works performed for the land management at the national level, taking into account their exceptional national importance, should be developed by state scientific institutions and at the expense of the state budget” [5]. It is worth noting that at this stage, work at the national level occurs much less often than, for example, land management at the local level. It also substantiates the claim that land management today boils down to documenting the registration of land and property rights to it.

In 2013, Novakovsky L. drew attention to the problems of land management in Ukraine in terms of regulation of land relations [11].

The central problem, described by the scientist, is the state and the results of the land reform; the main results as of 2013 were: the ban on the sale and purchase of land for agricultural commodity production, the issue of the introduction of a transparent land market, the problem of insufficient legal securement of the land protection, allocation of particularly valuable land to real estate due to the chaotic change in the purpose of land use.

Later on, in 2014, Novakovsky L. drew attention to the issue of regulatory and technical support for land management in Ukraine and summarized the mistakes and shortcomings, made in the planning and management of the land fund.

In this work Novakovsky L. pays considerable attention to land protection and notes that “in today's conditions, one of the most difficult land management tasks that remain to solve is the land protection problems. The attitude of the State to the protection of the country’s land fund must be radically changed. The land must be, first and foremost, protected from degradation. The termination of works, aimed at fighting against soil erosion, salinization, waterlogging, contamination of heavy metals and chemicals, caused an increase in the area of degraded land. The level of humus in soil is dramatically reducing”[10]. The scientist believed that the issue of land protection had reached such a level that land could be considered a national security problem.

In addition, in the above study, Novakovsky L. argued that “considerable intellectual potential is now focused on the execution of technically simple works for the allocation of land and the registration of rights to it. However, neither during the reform nor in the post-reform period, the composition and the procedure for the development of the land management documentation for territories of the village, settlement or city council has not been worked out, as well as no land management scheme has been developed for any administrative district”[10]. Thus, the problem of the perception of the institute of land management, as the usual documentation of land plots rights, was raised in 2014 as well.

The scientist also points out that “the volume of work on the development of standards, norms and rules in the field of land management and land protection in recent years remains insufficient. There are no rules and methodical guidelines for the development of majority of types of land management documentation, which complicates the activities of land management project organizations, especially business structures”[10]. Indeed, the problem of lack of standards and norms in the field of land management is still an urgent issue, as evidenced by recent scientific studies [2].

In 2016, a group of scientists led by A. Tretyak (V. Tretyak, O. Kovalyshyn, N. Tretyak) investigated the problems of land management from the perspective of

agricultural land valuation within the framework of the new regulatory monetary valuation method proposed by the State Geocadastre [14].

Describing the previous methodology of regulatory monetary valuation of agricultural land, the authors emphasize that according to the Law of Ukraine "On Land Evaluation" the regulatory monetary valuation should be conducted not less than every 5-7 years, but it has not been conducted for more than 20 years. They also stated that "the approaches to the regulatory monetary valuation of agricultural land, as enshrined in the Decree of the Cabinet of Ministers No. 213 of March 23rd, 1995, do not make it possible to objectively update its indicators, since they do not count changes in the economy and in the system of agricultural land use, occurring in that period". [14] Outdated approaches to conducting regulatory monetary and economic valuation of agricultural land have also been discussed by other scientists as A.Martyn, R.Buryak, B.Avramchuk [1, 3, 8].

Провівши узагальнення пропозицій до різних Методик нормативної грошової оцінки сільськогосподарських земель, А.М. Третяк та ін. прийшли до висновку, що нормативна грошова оцінка повинна проводитися у три етапи:

After generalizing the proposals to various Methods of regulatory monetary valuation of agricultural land, A.Tretyak and others came to the conclusion that a regulatory monetary valuation should be carried out in three stages:

"1) agroclimatic evaluation;

2) economic evaluation;

3) regulatory monetary valuation of land plots"[14].

In 2017, the scientists from the National Academy of Agrarian Sciences of Ukraine, NAAS President Y.Hadzalo and NAAS Presidium Advisor Y.Luzan, conducted a research on the general state of development of agrarian economy in Ukraine and problems of land reform [4].

First of all, scientists pay attention to the problem of agricultural land market: "the development of the land market relations in Ukraine remains much conserved so far, which disrupts the systematic and complex nature of the market

transformations, slows down the effect of related synergistic factors for the development of agrarian economy" [4].

Scientists also emphasize already mentioned problems, as "today, the vision of the development of land relations by some politicians and some agrarians is mainly focused on the purchase and sale of agricultural land. According to many scientists, such views neglect solving current progressive problems associated with the protection of land, preservation of soil fertility, optimization of land use, excessive plowing, termination of land reclamation, non-observance of crop rotations, irrational concentration of land by individual producers, greening of the production and a number of other hidden trends"[4]. This again confirms the existence of a fundamental problem of imperfect interpretation of the concept of land management, the main cause of which is the simplification of the land reform, while simultaneously narrowing its basic goals to the ordinary privatization of land by citizens.

Ya.Hadzalo and Y.Luzan drew attention to the rapidly growing problem of the humanitarian crisis in rural areas, and its solution should be aimed at "creating additional jobs, stopping the extinction process of Ukrainian villages and degradation of rural population, guaranteeing a legal protection to owners of land plots, general equalization of rural living conditions; politicians constantly emphasize this throughout Ukraine's years of independence"[4].

Table 1

Untapped factors of competitive agricultural development due to the incompleteness of the land reform [4]

No	**Factors**
1	Development of a private initiative, granting the peasants the exclusive right of self-ordering of the owned land
2	Land mortgage lending
3	Cooperation, integration, organization of joint business activity

4	Standardization of activities of large agricultural producers
5	Land management, protection of land, conservation of soil fertility, greening of production
6	Attractiveness of investment, development of the stock market, international cooperation on the conditions of economic compatibility

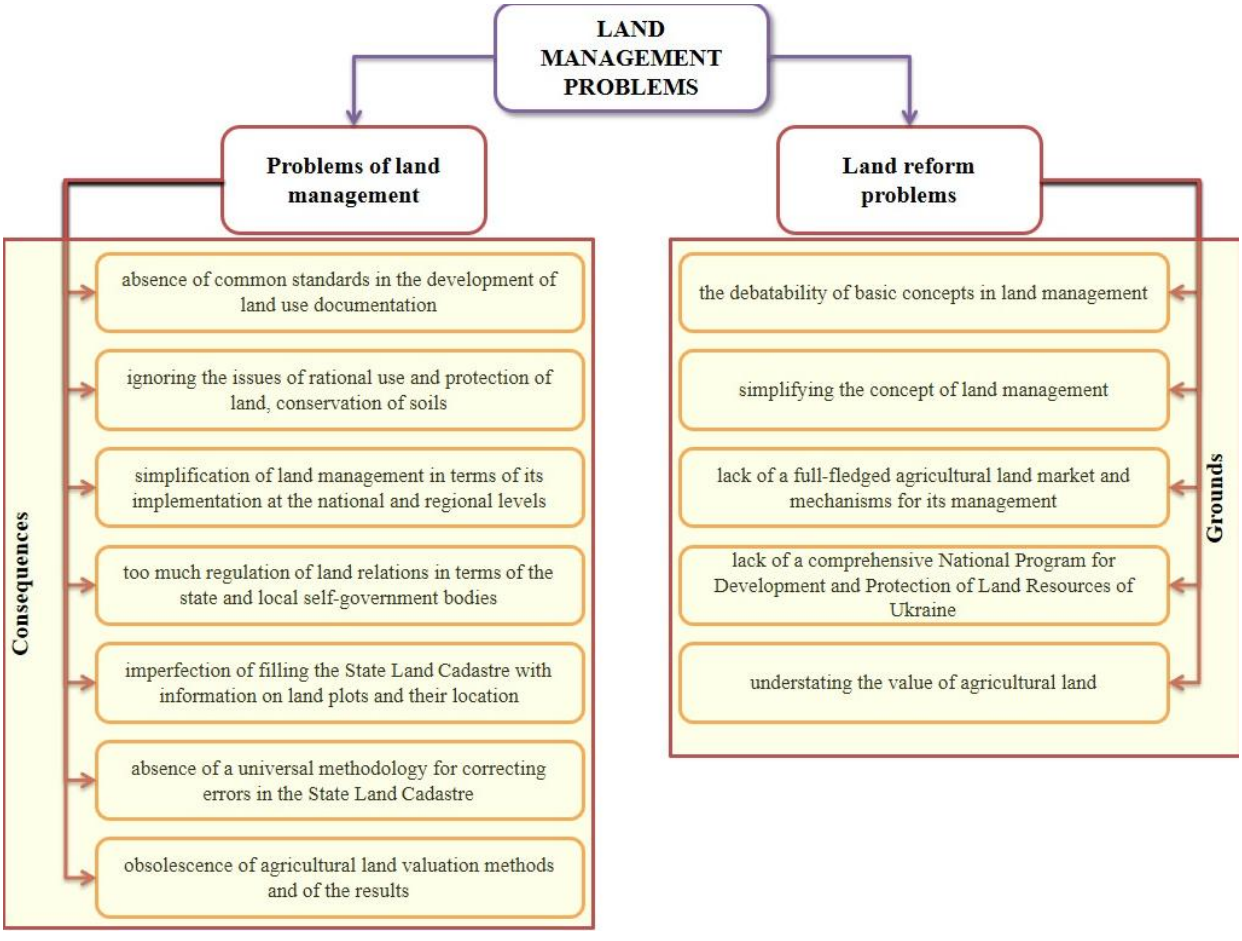
In addition to the main problems of land development in the land reform process, the authors also cite their own classification of factors that, due to the incompleteness of the land reform, are not developed in Ukraine (Table 1).

Given the above, there are two main groups of problems in land management:

1) problems arising from the implementation of the land management (problems of land management);

2) problems arising as a result of the land reform (land reform problems).

Figure 1 illustrates the links between current land-use issues and land reform



issues that are the main causes of new shortcomings:

Fig. 1. Classification of modern problems of land development in the process of the land reform.

Conclusion. By classifying the main problems arising from the land management in the process of the land reform, we can conclude that most of them are interrelated. At the same time, the source of their origin lies within the fundamental concepts of land management, and more precisely – their ambiguous interpretation, which results in the not fully formed institute of land management, further narrowed to only registration of documents for land plots and of land property rights. Accordingly, the current problems of land management can be divided into two main groups:

1) problems arising from the implementation of the land management (problems of land management);

2) problems arising as a result of the land reform (land reform problems).

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КЛАСИФІКАЦІЯ СУЧАСНИХ ПРОБЛЕМ ЗЕМЛЕУСТРОЮ, ЩО ВИНИКЛИ У ПРОЦЕСІ ЗЕМЕЛЬНОЇ РЕФОРМИ

Дискусії щодо фундаментальних понять у сфері землеустрою велися і ведуться протягом усього часу здійснення земельної реформи.

За таких умов, вітчизняні вчені покладали значні зусилля на вирішення проблем землеустрою та земельної реформи, починаючи, в першу чергу, із систематизації або класифікації проблем, що виникають у процесі земельної реформи або здійсненні землеустрою.

Досліджено проблеми трактування поняття землеустрою в Україні, базуючись на законодавчому забезпеченні землеустрою, шляхів проведення і результатів земельної реформи та дослідженнях вітчизняних науковців.

Здійснено аналіз проблем, які виникли як результат проведення та незавершеності земельної реформи та які виникають при здійсненні землеустрою на сучасному етапі та у попередні роки на основі хронологічного аналізу наукових досліджень.

Запропоновано схему класифікації проблем розвитку землеустрою, яка включає проблеми здійснення землеустрою та проблеми земельної реформи.

Здійснено аналіз відповідності проведення землеустрою на різних рівнях призначенню землеустрою, що закріплено нормативно-правовими актами, на сьогоднішній день.

Результат проведеного дослідження та класифікації проблем розвитку землеустрою в подальшому знайде своє відображення в поглибленні досліджень щодо конкретних проблем здійснення землеустрою та застосуванні системного підходу до їх вирішення.

Ключові слова: *землеустрій, земельна реформа, земельний кадастр, призначення землеустрою, стале землекористування.*

Ибатуллин Ш.И., Аврамчук Б.О.

КЛАССИФИКАЦИЯ СОВРЕМЕННЫХ ПРОБЛЕМ ЗЕМЛЕУСТРОЙСТВА, КОТОРЫЕ ВОЗНИКЛИ В ПРОЦЕССЕ ЗЕМЕЛЬНОЙ РЕФОРМЫ

Дискуссии о фундаментальных понятий в сфере землеустройства велись и ведутся в течение всего времени осуществления земельной реформы.

При таких условиях, отечественные ученые возлагали значительные усилия на решение проблем землеустройства и земельной реформы, начиная, в первую очередь, по систематизации или классификации проблем, возникающих в процессе земельной реформы или осуществлении землеустройства.

Исследованы проблемы трактовки понятия землеустройства в Украине, основываясь на законодательном обеспечении землеустройства, путей проведения и результатов земельной реформы и исследованиях отечественных ученых.

Осуществлен анализ проблем, возникших как результат проведения и незавершенности земельной реформы и возникающие при осуществлении землеустройства на современном этапе и в предыдущие годы на основе хронологического анализа научных исследований.

Предложена схема классификации проблем развития землеустройства, которая включает проблемы осуществления землеустройства и проблемы земельной реформы.

Осуществлен анализ соответствия проведения землеустройства на разных уровнях назначению землеустройства, закреплено нормативно-правовыми актами, на сегодняшний день.

Результат проведенного исследования и классификации проблем развития землеустройства в дальнейшем найдет свое отражение в углублении исследований по конкретным проблемам осуществления землеустройства и применении системного подхода к их решению.

Ключевые слова*: землеустройство, земельная реформа, земельный кадастр, назначения землеустройства, устойчивое землепользование.*