
ЗЕМЕЛЬНІ ВІДНОСИНИ

U.D.C 332.2

THE ESSENCE OF THE MANAGEMENT OF AGRICULTURAL LAND USE THROUGH THE LENS OF LAND RIGHTS: ECONOMIC AND LEGAL ASPECTS

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The analysis of the nature of management of agricultural land use as a key component of a holistic land-property complex in the light of land rights, studied their characteristics as part of the economic and legal relations of land ownership under the current legislation of Ukraine

Keywords: *management of agricultural land use, land rights, land and property sector.*

Statement of the problem

At this stage of the implementation of land reform tended lag theoretical developments on the needs of practice. This applies to the operations of the rights of land ownership in the management of land use, especially agricultural. It remains an unsolved problem of determining the nature and coordination of the conceptual apparatus of land use management , harmonization and unification of the basic concepts of ownership of land. Clarifying the nature of land use management through

the prism of the "bundle" of property rights will provide an opportunity to clearly define land use and facilities to improve economic and legal aspects for its effective development of market economies.

The aim of the study is to determine the nature of management of agricultural land use through economic and legal relations of land property .

The main material

In the most general interpretation of land ownership are governed by Article 78 of the Land Code of Ukraine - as the

right to possess, use and dispose of land [1]. The right to property is protected and secured land ownership benefits to specific individuals. Consequently, traditional land ownership rights triad includes: the right to possess, use and dispose of their own land. However, the right of property in accordance with paragraph 1 of Article 116 of the Civil Code of Ukraine is the individual's right to object (property) that it has under the law on their own, regardless of the will of others [2]. English jurist A.M. Honore [2] proposed another, more complete set of property rights, which included the presence of eleven elements: ownership, usage rights, the right management, the right to income, the right of the sovereign right to safety, the right to transfer and inheritance, the right to possession perpetuity good, the use of a way that harms the external environment, the right to liability to a penalty, the right to a residual nature.

A.M. Tretiak highlights Ukrainian legislation sixteen types (components) of property rights to land [4], so in addition to rights of possession, use and disposal of land he exudes right rent, the right management, the right to income, the right to rent the right to transfer rights inheritance, the right to the capital cost, the right of entry into the authorized capital, the right to safety, the right to transfer the rights to the land easement, right of perpetual lease, superficies right, the right to bail, the right to ban the use of wealth manner detrimental to, the right to compensation. Accordingly, the more of said rights assigned to the land, the greater will be its value.

The definition of the powers that characterize the nature of land ownership depends on the legal system. The

fundamental thesis of institutionalists is that the specific title is not free. Moreover, it often requires a significant investment.

Depending on the property rights that exist in the entity for a certain type of land wealth, including land use, which can be formed into various rights (especially agriculture), there are features of the object of your reflection in the accounting and economic relations of human ownership of land.

As noted, NV Immortal, ownership is the foundation on which a legal system of any country [5]. However, the effectiveness of economic relations of land property rights depends on a set of human species, the possibility to realize not only the ownership, disposition, or use certain set of rules (legal / law) that establish and protect ownership of land wealth of material specific subjects but also determine the reasons for and conditions of termination and they have other rights in respect of those benefits.

There is a position that is itself "triad" powers insufficient to characterize the content of land ownership [4]. At the present stage of the ownership of the land it is proposed to update the content so that it contains elements of "the right to manage, the right to income eligible for the capital" etc., as well as elements of social and functional purpose property, limiting the powers of the owner in accordance with the public interests.

We proposed to land ownership such as competency management land use. The introduction of this competency is particularly relevant in relation to agricultural land use. However, the introduction of the economic cycle of this kind of law, as well as other types of certification requires clear rights.

With the implementation of relationship management on land use rights, the owner - the installer rights management, land ownership transfers its steward, giving the latter the rights to own, use, receipt of income speci-

fied land use, etc. (fig.), in which he has the right to make any factual and legal actions to ensure effective management of land entrusted to him the object of property, such as land use area of land improvements .

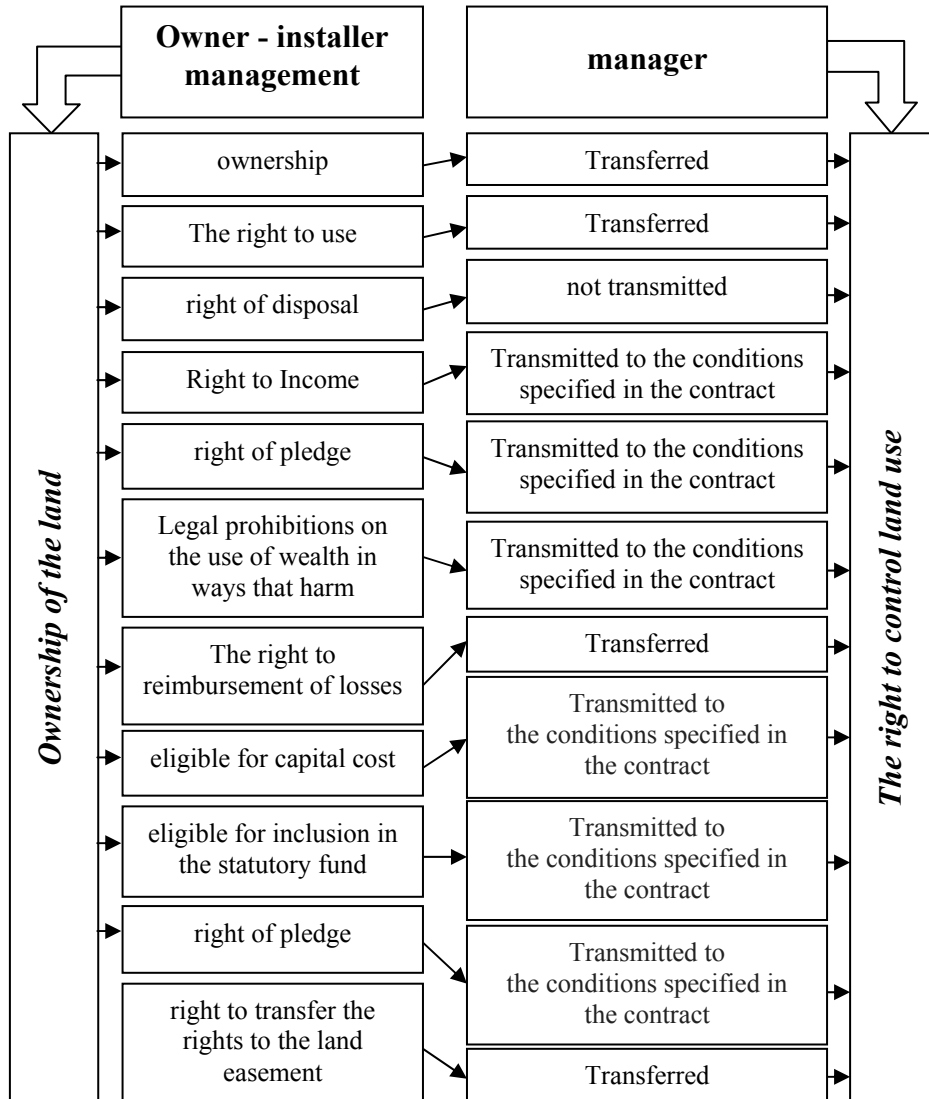


Figure. The distribution of ownership between management and the installer manager in the transfer of the right to control land use

To provide additional safeguards to protect the interests of the installer management or other beneficiary under

the terms of the agreement it is possible to transfer land steward to the constraints of ownership, use rights to

income and other land rights established by the installer management.

Considering the legal nature of economic and legal relations connected with the management of land use, it is necessary to point out that the installer management, although it remains the owner, but "eliminated" for some time to impact on the use and protection of land which are in possession of the trustee, unless otherwise provided by agreement between the owner and the manager. This variant occurs on lands of state and communal property transferred to state and municipal enterprises the right to permanent use. However, there may be other options (for example, the owner continues to use part of the revenue earned from the use of land transferred to the control).

Given that Ukraine civil relations of land property rights relating to property governed by the Civil Code of Ukraine [2], which regulate real property management (Chapter 70, p. 1029-1045), it should be noted peculiarities of land use, particularly agricultural as the management of land and property set (key elements of which are land as the main component of property and improve it):

- legal relating to the management of land use, composed between equal, separate and independent of each other actors of civil law installer management and trustee;

- immediate basis of the land use management in all cases there is an agreement to be concluded between the land owner and manager;

- legal relating to the management of land use is binding, ie, their commitment is based on the trust manager to the owner of the land on trust management of land use, arising out of the contract;

- commitment to land use management is a complex subject that includes two kinds of objects: actual - land with improvements transferred to management, trustee and legal actions regarding land use rights management as an economic asset;

- obligation to manage land use are two-sided and are generally paid character;

- high risk surgery for the management of land use associated with the risk of loss and requires a degree of trust between management and the manager installer.

Thus, the obligation to manage land use as land and property in the target set membership can be attributed to the commitment to provide services for a fee, as the manager does not acquire ownership of the land, and provides services to implement the rights of the owner and his interest in management of land use and improve it for a fee. Most characteristic such relationship is a relationship that started in research institutions and enterprises of the National Academy of Agrarian Sciences of Ukraine, but today they are not of the nature of the market and the law does not normalized.

Conclusions. According to the civil law, which is characteristic for Ukraine, land ownership and can not be inappropriate to share between multiple people, or it remains the owner of the land, or it is lost. In operations management of agricultural land use as land- property complex land ownership remains in the installer management. The installer transfers control plot (i) area (s) and property rights belonging to him by right of ownership, for a term Governors, and the manager is committed to the right to own, use and receive income on land entrusted to it in the

interests of the beneficiary in accordance the agreement on land use management and legislation of Ukraine. However, the market needs to make the certification of ownership of the ground, and in particular the right management, and the legal and normative regulation.

Mode of access : [http:// pravoznavec.com.ua/period/chapter/2/32/1230](http://pravoznavec.com.ua/period/chapter/2/32/1230).

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Проведено аналіз сутності управління сільськогосподарським землекористуванням як основною складовою цілісного земельно-майнового комплексу через призму прав власності на землю, досліджено їх особливості як економічної та правової складової відносин власності на землю згідно чинного законодавства України.

Ключові слова: управління сільськогосподарським землекористуванням, прав власності на землю, земельно-майнового комплексу.

Проведен анализ сущности управления сельскохозяйственным землепользованием как основной составляющей целостного земельно-имущественного комплекса через призму прав собственности на землю, исследованы их особенности как экономической и правовой составляющей отношений собственности на землю согласно действующему законодательству Украины.

Ключевые слова: управление сельскохозяйственным землепользованием, прав собственности на землю, земельно-имущественного комплекса.