

РОЗВИТОК ПРОДУКТИВНИХ СИЛ І РЕГІОНАЛЬНА ЕКОНОМІКА

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GOVERNMENT REGULATION OF LAND RELATIONS: CIRCULATION OF AGRICULTURAL LAND

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Introduction. Citizens and politicians of Ukraine understand that 25 years of land and agrarian reforms in Ukraine brought to the Ukrainian village and society worse socio-economic results than politics in eighties in the last century.

Each year, the situation in the Ukraine's villages is only getting worse. There is unemployment at most of the villages, except for self-employment in own farms. There are no farms in every fifth village. The half of agricultural land processed by agrohholdings.

The work of individual scientists and scientific schools of higher educational institutions doesn't give the system deep scientific research in land and agrarian sector, that also forms institutional trap of further evolution in the land and agrarian relations in Ukraine. Economics, agricultural science and system of land use significantly behind the needs by the real economy.

Land sale, land applying and land market in Ukraine is carried out continuously, especially these processes have intensified over the last 20 years and lack of effective regulatory policy in this sphere only gets land relations in the shadow.

The purpose of this article is to identify the specific ways of the further development of government regulation of circulation agricultural lands.

Presenting the main material. Land and agrarian reform without social support, and social positive is institutional trap, in which the problems of village areas in the plane land and agrarian relations will be solved by sharing land and property.

In recent years, after the crisis in 90-ies became normal and resumed production activities in the agro-industrial sector, but has formed a new institutional trap that will solve the problem the market of agricultural land.

Historical and international experience shows that land relations based on private ownership and market principles without government regulation, do not satisfy the new models of justice, protection of interests wide population, especially in rural areas.

World Association of surveyors, warned that the mass sale of land, free privatization, carve-up of state and communal lands and the subsequent free market in land always accompanied by a wave of speculation, and immediately divides society into those who have benefits and (who have) rights limit.

Land, as a means of production and labor subject, should ideally have free access, and be in the hands of the manufacturer who uses it most effectively. But land is not capital in a pure sense, it is the basis on society; natural resource and not belong to the business, to the country and the people. Land markets are restricted by state boundaries and outside the communities, in most local. International agribusiness requires the free land market by the way of latifundism.

The East Germany cooperatives, economy of Belarus, successors of the Collective Agricultural Enterprise in Ukraine that have survived the economic and administrative pressure and farmers who wasn't tempted by division of property holdings and who saved integral property complexes, are working

successfully. Even Ukraine's agroholdings mostly rely on integral property complexes and organizational basis of former collective farms and state farms, organizing activities of industrial clusters.

For the last 30 years, the prices for agricultural land in Europe have tripled, and range from 5 to 25 thousand euros per hectare, while under construction, land prices have increased 16 times. The average tax on arable land in Europe is 200 euros and renting prices is 400 euro for 1. In the US the rental payments for 1 hectare per year is 3-4% of the value of land, or 350 US dollars, in Ukraine the rent is 10-15% of the value of land and 2.5 thousand UAH for 1 hectare a year.

The analysis emphasizes the unique preferential conditions of doing agribusiness in Ukraine, that, combined with cheap labor and lack of state control over the modern state of soils forms the excess return of field crops in Ukraine.

The market valuation of 1 ha of arable land in Ukraine, which brings from 400 to 1 thousand Euro profit a year, while taxes are about 80, when the right rent per hectare for 10 years in the shadow format is 1 thousand dollars, shall be not less than 10 – 15 thousand dollars. Actually, per 1 ha of arable land, taking in rent for 49 years and 11 months farmers are paid not more than 1 thousand dollars.

With the termination of the moratorium, the farmers who wishing to sell the land will not receive in the first 2 – 3 years more than 1 thousand dollars per hectare the price will increase in equal rates to 30 % per year, but later, after 5 to 8 years, and in 10 years we will get a price of 1 ha at 12 – 15 thousand Euro.

The moratorium preserves the land to the farmers, and this rule is found even in countries with traditionally long-established land markets, the moratorium in Italy on the resale of agricultural land is 30 years.

The land market exists in the world, but it controlled and localized with absolute benefits for local people - peasants, farmers and domestic agricultural producers. The turnover of lands of agricultural purpose should work for the society of Ukraine, and not on the profits of international corporations.

The proposed drafts of law "On turnover of agricultural lands will allow through redemption and other mechanisms to withdraw land from farmers, and if the state is going to allow specified it carries a huge geopolitical risk.

There are land circulation, the land market, especially the shadow one, in Ukraine for 25 years, the earth is not only inherited, given away, exchanged, and transferred in rent for 49 years. The land granted with a general power of attorney are contracts of emphyteusis. You need to create regulatory mechanisms of a civilized circulation of land defining the moratorium on the free sale of agricultural land outside the settlements, as the emergency provision of the Land code of Ukraine, which corresponds to article 13 of the Constitution of Ukraine, and guarantees the right of land ownership to the Ukrainian people.

Ukraine needs a New Land and Agrarian codes that change the land and agrarian legislation in the public interest.

Numerous projects of Ukraine's Law "On circulation of agricultural lands", as institutionally unbalanced, the standards need to be taken in the new codified land and agrarian legislation.

Some aspects of the formation of land circulation require specific development and improvement, especially:

- to limit the right of land lease with a maximum term of 20 years acting in the interests of the landlords;
- also limit the transfer of agricultural land under contracts of emphyteusis;
- to stop the right of free privatization of land (prior to the adoption of the new Land Code) from 01.01.2018 ;
- to determine the gradual formation of lands' circulation of agricultural purpose;
- in the first phase (1-5 years) should carry out the land acquisition of private property by the State Fund of lands, and local governments;
- in the second phase (5-10 years) should allow redemption of units to individuals, as a redemption share in the jointly-shared ownership, shares in jointly-joint ownership (forming neighbor's prevailing right of the farmers);
- in the third stage, after 10 years, it is necessary to define regulatory special status to the subject of the law on land market, the local farmers and farmers working in their favor;
- the legal entity should not be the purchasers of plots of agricultural purpose, it is a threat of selling the land to foreign corporations;
- not on the first and second stage of the formation of land turnover (up to 10 years) to make the plots in the statutory funds, the introduction of the parcel (shares) in authorized Fund of legal entities in Russia resulted in the loss of the farmers more than 1 million land plots, through the mechanism of crash of legal entities.

Without waiting for systemic changes in legislation, it is necessary to make legal decisions and to improve substantially the land and agrarian relations, passing on of agricultural land outside the settlements for community property that will further the redistribution of land exclusively for the benefit of local farmers, farmers and agribusinesses. Specified will provide the right to lease state and communal lands and within rural councils and communities solely to local producers, current and registered on the territory of the local government (community). It's worth to restrict the right of buying in one hand rural and urban estates, restoring the rule of law hereditary of use for the needs of the development.

There is a need for the government to develop and build the infrastructure for the circulation of land by creating a State Fund lands and the State land Bank.

"State Fund lands" buys land plots from the farmers of Hungary, having no heirs, manages public lands, as an entity, providing land for rural youth, shaping and creating farms, consolidation of land, providing a civilized land development in rural and urban areas.

State Fund land, of returning land to communities, should deal with millions of acres of public land that are used in shadow format, or illegally removed from the state, especially the lands of forest, water fund, ministries, departments and Academy of Sciences. 12 Federal land banks in the U.S. operating for over 100 years, proven credit package to \$ 200 billion., who works for farmers and the number of which increased from 1984 until 2014, 1.5 million households.

Since 1956 in the US there is a bank that provides subsidies to farmers for conservation land and reduction of land in active cultivation. The agrarian code will protect the lessor – owner of the land plot, not by appealing to 15% of the rent of the normative monetary value, but creating conditions for work of the peasant on the land by providing economic opportunity to farm, encouraging the cooperative movement, developing agricultural production in each village with creation of workplace for 10 – 20 acres of land, substantially modificate the rural areas. Identifying the main priority for the development of agricultural infrastructure in rural areas, farming and rural cooperation.

Conclusions and suggestions. The extension of the moratorium on the free market of agricultural land forced necessity, caused by economic and social crises in rural areas. The circulation of land is necessary to form state regulatory policy, while institutional development of the agrarian sector and land relations.

A free land market which acquire the land from the poor farmers, carries the geopolitical and national threats to Ukraine. It is necessary to develop and adopt a new, adapted to modern of Land and Agrarian codes, which will form a civilized circulation of agricultural land, determine the development priorities of the agrarian sector and land relations, conservation and protection of fertile land and stop the crisis of the Ukrainian village.

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Громадяни і політики України розуміють, що 25 років земельних і аграрних реформ в Україні принесли українському селу і суспільству гірший соціально-економічний результат, ніж політика влади 80-х років минулого століття.

Щорічно ситуація в селах України лише погіршується. В половині сіл країни робочі місця відсутні, крім самозайнятості в особистих селянських господарствах. Кожне п'яте село України не має фермерського господарства. Половина сільгоспземель обробляється агрохолдингами.

Праця окремих учених та наукових шкіл вищих навчальних закладів не дає системних глибоко наукових розробок у земельній та аграрній сфері, що також формує інституційну й інституціональну пастку, щодо подальшого розвитку земельних і аграрних відносин в Україні. Аграрна економічна і землевпорядна науки суттєво відстають від потреб реальної економіки.

Земельний оборот, обіг земельних ділянок та ринок земель в Україні здійснюється постійно, особливо вказані процеси активізувалися за останні 20 років і відсутність повноцінної ефективної державної регуляторної політики в цій сфері лише заводить земельні відносини в тінь.

Проведений аналіз свідчить, що земельна реформа в Україні приводить до зміни форм власності на землю, сприяє розв'язанню проблем забезпечення громадян земельними ділянками, введенню платності землекористування, створенню передумов для розвитку ринку землі. При цьому змінюються земельні відносини, формується нормативно-правова база земельної реформи та ринку землі.

Історичний досвід розвитку ринкових земельних відносин в Україні показав, що навіть усупереч стійким споконвічним традиціям прийняття не виважених норм і законів мали негативні соціальні наслідки. Ураховуючи наявні ризики, країни Європи сформували розвинені інституційні умови власності на землю. Загальноприйнятні інституційні норми державного регулювання регламентують не тільки купівлю-продаж земель, орендні відносини, але й забезпечують охорону земель та їхнє раціональне використання.

Ключові слова: обіг земель, державне регулювання, інститут, оцінка.

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Dubischev V., DSc, Professor. Poltava National Technical Yuri Kondratyuk University. **Government regulation of land relations: circulation of agricultural land.** The need for institutional development and the basic principles of improving government regulation of circulation of agricultural land in Ukraine under modern conditions is revealed.

Keywords: the lands' circulation, government regulation, institution, valuation.

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сельскохозяйственного назначения в Украине в

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