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TENDENCIES OF GOVERNMENT LAND MATTERS CONTROL IN THE CONTEXT OF THEIR DEVELOPMENT

ТЕНДЕНЦІЇ ДЕРЖАВНОГО РЕГУЛЮВАННЯ ЗЕМЕЛЬНИХ ВІДНОСИН У КОНТЕКСТІ ЗАБЕЗПЕЧЕННЯ ЇХ РОЗВИТКУ

It was grounded that the implementation of state regulation of land relations must be ensured with the help of consistent determination of its principles, methods, etc. It is established that they concern the public-private sector and improve the mechanisms of state regulation of land relations.

Key words: *state regulation, mechanism, land relations, tendencies.*

Обґрунтовано, що виконання державного регулювання земельних відносин повинно відбуватися за допомогою системного визначення його принципів, способів тощо. Установлено, що вони стосуються публічно-приватного сектору і вдосконалення механізмів державного регулювання земельних відносин.

Ключові слова: *державне регулювання, механізм, земельні відносини, тенденції.*

Problem setting. The analysis of the development of government land matter control all over the world [3] demonstrated the specific tendencies, which formed in it. Among them are the environmentally oriented management, the use of cluster approach in the agricultural field, the enrichment of public sector in this field with the resources and potential of civilian and private sector, the modernization of the fields of land use, the rationalization of the latter in both horizontal and vertical planes of the state land policy, etc. In order to take these tendencies into account in our country, it is necessary to study a present-day state of the government land matters control, which takes place within the framework of structural and organizational reforms.

Recent research and publications analysis. The functions of the state, including development of land relations are covered in the scientific works by V. Boklag, H. P. Binswanger, K. Deininger, A. Degtyar, G. Feder, I. Gorbachova, N. Latynin, A. Merzlyak, A. Pomaza-Ponomarenko, O. Prokopchuk, and others [2–4].

Paper objective. Marking the scientific achievements of these scientists, it should be noted that there is the need in comprehensive description of mechanisms of state regulation of land relations, and of the peculiarities of the state policy in this field. Our paper objective is based on this.

Paper main body. One of the most important innovations of the country's legal framework is a *transfer of lands to the communal ownership of the united territorial communities*. As it is known, starting from February 1, 2018, the State Service of Ukraine for Geodesy, Cartography and Cadastre (StateGeoCadastre) started the transfer of state-owned agricultural lands to the communal ownership of the united territorial communities (UTC). The relevant decision was approved on January 31 during the meeting of the Cabinet of Ministers upon an initiative of Ukraine's Prime Minister V. Groysman.

In general, as of the end of 2018, over 0.5 million hectares of agricultural lands were transferred to the communal ownership of 165 united territorial communities. It shall allow the improvement of the mechanism of management in the field of land matters, and to clearly and transparently form local budget revenues with respect to the land fees. In 2019, the process of land decentralization shall continue for those territorial communities, which united after February 1, 2018.

As for the *land auctions*, they are a government control tool, with a help of which the publicity principle should be guaranteed. It should be noted that during 2018, the territorial agencies of the StateGeoCadastre sold 2,748 state-owned agricultural land tenant rights at the land auctions. It is 50 percent more than in 2017 (1,837). The total area of lands transferred for tenancy was 58,700 hectares, which is 38 percent more than in 2017 (42,500 hectares) [1].

The sum of local budget revenues from land auctions during the part of 2018 exceeded the last year's results by 65 percent and was UAH 195.9 mln (118.7 mln in 2017). The average rent rate according to the results of the auctions increased from 14.73 percent of the normative monetary evaluation (NME) according to the results of 2017 to 19.13 percent of the NME for the part of 2018. According to the experts, in the field of land resources, the state is a more effective owner. The scientists made this conclusion based on the fact that nearly a double gap between the average rates of private and state-owned agricultural lands in favour of the latter remains in Ukraine. It should be emphasized that it is not a single problem in the field of land rent relationships that requires solution.

It should be also noted that important for the practice of government control is the *introduction of electronic land auctions*. The first land e-auction took place on October 18, and by the end of the year, nearly 30 e-auctions were held. E-auctions demonstrated an average increase in the starting prices by 26 percent (from 8.3 percent to 34.3 percent according to the results of land auctions). It was made possible thanks to the *national (all-Ukrainian) normative monetary evaluation (NME) of agricultural lands*. As a matter of fact, in 2018, for the first time in 23 years, all agricultural lands were evaluated in the territory of Ukraine (except for the lands within the bounds of settlements). This evaluation covered an area of

more than 35 mln hectares, and was made in accordance with the Governmental Decree dated February 7, 2018. During the part of 2018, a comprehensive complex of works connected with evaluation, data compilation into a single corpus was carried out, an action plan was prepared, and a website reflecting the system was created with a possibility to calculate the NME online. As a result, there is no agricultural land plot outside settlements in Ukraine, which is left without evaluation based on the up-to-date data. All information about the national normative monetary evaluation of agricultural lands is collected in a single corpus, while a website reflecting the whole system was created with a possibility to calculate the NME online.

It should be emphasized that the StateGeoCadastre has finished the satisfaction of debts, which arose after the state-owned agricultural land inventory taking in the territory of all regions of Ukraine (starting from 2013). UAH 103.4 mln of debt were transferred to the performers of these works. It is particularly remarkable that as a result of the negotiations with economic entities-performers of works, conciliations were made concerning the renunciation by the latter of penalty claims, in particular as for the penalties, which were imposed by court. The total sum of state funds saved this way was UAH 8.5 mln.

Moreover, another positive tendency concerning the sustainable land use and national security in this context is the development by the StateGeoCadastre in cooperation with the Japan International Cooperation Agency (JICA) of the *prototype of the system of National Infrastructure of Geospatial Data* (<http://nsdi.land.gov.ua/>). The prototype of this system is a single cartographic base that unites both basic and field-oriented groups of data, in particular concerning the coordinates and boundaries of administrative-territorial structure, hydrographical objects, settlements, and street and road network, as well as industrial, agricultural and sociocultural establishments, roads, railroads and land plots in the indicated territory. All of these data are available online and will become a foundation for management decisions and transparency of land resources management.

It should be also noted that in addition to the National Infrastructure of Geospatial Data, the *monitoring of land matters* and the release of its results is also carried out in Ukraine [4]. In October 2018, the presentation of the second wave of monitoring of land matters (2016-2017) was presented in the Representative Office of the World Bank in Ukraine. The monitoring of land matters is a platform with the systemized and generalized information about possession, use and disposal of land plots. It is a single and structured base for different arrays of data: the number of lands registered in the State Land Cadastre and the number of rights to the latter registered in the State Register of Property Rights to Real Estate, market transactions with land plots, paid taxes, legal disputes, etc. – with the total of 65 criteria. The research accumulated data from six agencies: the StateGeoCadastre, the Ministry of Justice, the State Fiscal Service, the State Statistics Service, the State Water Resources Agency, and the State Judicial Administration of Ukraine. The first monitoring of land matters based on the data for

2014-2015 was released in September 2015 [1].

Nevertheless, the further development of government land matter control requires the substantiation of the fields of its improvement, including: 1) the increase in the level of independence and responsibility of state authorities and corporatization of government land matter control; 2) the attraction of investments in this field and the use of modern technologies in it with the purpose of preservation of land resources for the next generations, the improvement of public infrastructure, the improvement of the welfare of citizens living in rural areas, etc.; 3) the assessment of eco-system services within the framework of civil environmental review, the update of other types of control; 4) the arrangement of activities of existing bodies (agencies, inspectorates, etc.) in the field of land use with the purpose of creation of favourable conditions for closer cooperation with community, and based on this, it is important to establish framework programs and joint institutions for management in the indicated field, etc.

Conclusions. Thus, the introduction of innovations in the process of implementation of the state control of land use shall be grounded theoretically and conceptually, and shall take into account the factors, which influence the practice of use of the forms and methods of management in the indicated field. Based on the world practice, the state land policy is implemented in combination with the use of mechanisms of self-control. Ukraine is also trying to take up this tendency. Sharing the idea of those researchers who support reasonable deregulation in the field of land use, it is specified that it is necessary to solve the range of problems of government control available in the field of land use control. As a matter of fact, it concerns problem issues connected, first of all, with the tax rate; second, with the introduction of electronic application filing for land rent right registration; third, with the simplification of the procedure of allocation of land for further rent, etc.

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