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THEORETICAL BASES OF THE STATE POLICY IN THE LAND RELATIONS

Modern processes of formation and implementation of the state system of land relations in the country are caused by the challenges of time. The purpose of this article is to identify the key principles of a promising concept of a state mechanism for implementing state policy in the field of land relations, in accordance with the directions chosen by the reform. The article highlights the existing problem areas and shortcomings in the formation and implementation of state policy in the field of land relations, which is a complex and multifunctional process whose effectiveness undoubtedly depends on its scientific validity and the development of the scientific and conceptual mechanism. For this purpose, we have investigated the key entities of the system of land relations which are governmental and local self-governing authorities that establish regulated, hierarchical, open, complex system that provides the processes of land relations regulation within the provisions and functions set by the legislation. The contents of the categories “state regulation of the sphere of land relations”, “formation of state policy in the field of land relations” and “implementation of state policy in the field of land relations” are revealed. It is determined that the components of the state policy in the field of land relations are the purpose, directions, principles of its formation and implementation.

Key words: implementation of state policy in the field of land relations, principles of state policy in the field of land relations in Ukraine, state policy in the field of land relations, subjects of the land relations system.

Target setting. The lands are the source of any wealth of society, especially Ukrainian, since Ukraine owns one of the best black earths in the world. The current state of use of the land-resource potential of the country is characterized by low economic efficiency. The Ukrainian transformation model which relates to regulation of land resources has considered the principle of social justice rather than economic efficiency. In these circumstances, the establishment of a highly efficient public administration is becoming more relevant as the country needs to adapt to changes occurring both internally and in foreign policy processes, and as a result a complex of problems needs solving, including the problem of forming effective mechanisms of public administration in the field of regulation of land resources of the country in the principal direction: the use, protection and transfer of agricultural lands. In times of economic crisis, the importance of efficient land use is increasing tremendously, as it concerns the food security of the country, the solution of problems of life support for citizens and the efficient use of land resources to meet the needs of future generations. Therefore, it is advisable to consider the issue of land use as one of the main national strategic

goals for both the present and the future. In view of this, the formation of effective state regulation of the processes in the social and economic development of the country within the conditions of contradictions of land legislation, recognition of the leading role of the state in the processes of evolution of the land market and the implementation of land reform generally makes actual the topic of the chosen direction of the research.

Analysis of Recent Research and Publications. The issues of forming and implementing state policy in the field of land relations in Ukraine are introduced in the works of the following researchers: V. A. Boklaga, T. G. Titarenko, G. I. Shariy and others. National scientists are increasingly paying more attention to the improvement of mechanisms of public administration of land resources and controlling land relations. These issues were studied by A. O. Boyko, D. M. Malihin, S. A. Serdyuk, O. Ye. Evgrafov, M. R. Kovalskii, K. O. Naboka, P. V. Presich, O. I. Shaporenko and others.

Problems of the analysis of state policy are introduced in the works of the following well-known foreign and internal scientists: L. A. Pal, V. V. Tertichka, Yu. P. Sharova and others.

The purpose of the article is to identify key theoretical foundations and to analyze the principles of state policy in the field of land relations in Ukraine.

Outline of the main material. Land relations and land resources are one of the most crucial economic resources which are the focus of policies and strategies for economic development. In an urbanized world, citizens lives cannot be substantially improved without a rational land policy [1]. This determines the exceptional importance of the land issue for successful sustainable development [2, p. 236]. Therefore, in the context of the problem under study it is possible to represent the essence and content of the category “land”, which depending on the context, is used in many definitions: as a planet, as a land, as soils - the upper layer of the earth surface, suitable for plant life, as an economic category, is the general form of labor and a main way of production in agriculture, as a territory with owned lands, a territory with a legal regime, etc. Within the same understanding, also there may be different approaches to defining the concept of “land” with specific content.

It should be noted that the initial provisions of the Law of Ukraine “On Land Protection” [3] the term “land” in the legal significance is interpreted as “the surface of the land with soils, minerals and other natural elements that are organically combined and in operation alongside”. What is more, according to the articles established and approved at the state level and State Standards of Ukraine 26640-85, the following is defined in the section: “Lands. Terms and definitions”: “lands are the most important part of the environment, characterized by space, relief, soil cover, subsoil, water, and considered as the basic manner of production in agriculture, as well as the spatial basis for national economy branches” [4].

According to the abovementioned, as the basis of national wealth, land is located above the subsoil within state borders part of the earth surface with a fertile layer of soil used for agricultural production of absolute and additional value, which must be shared between agriculture, industry and the state through private and public ownership under the objective natural law of the progressive economic development of society, which ensures the preservation and increase of soil fertility, restored human capital and the expanded reproduction of capital to meet the needs and interests of every citizen and the entire Ukrainian people [5].

In a market economy, there is a logical question whether the state should interfere with the process of using natural resources, or whether it's enough that the laws and market mechanisms will just start working. There is data that proves that the state has to interfere with the environmental management process in Ukraine [6].

Compared with other countries, according to the existing estimates, Ukrainian natural resource potential per capita is 1.5-2 times higher than the potential of the USA, 4 times - Germany, 12-15 times - Japan. However, there is a real discrepancy between the enormous capacity of the country and the conditions in which the population lives.

In agreement with the grounds put forward in the work of H.A. Pala "State Policy Analysis" [7], they can be interpreted regarding state interference in the process of land use.

The first ground of public land management is that land, as well as other natural resources, in accordance with Article 13 of the Constitution of Ukraine [8], is the object of the property of the Ukrainian people, which means it is a collective benefit. The collective benefit is consumed collectively (for example, the lands of state or communal property) or not consumed at all. It is not possible to transfer all land to private ownership, since always there should be public, leisure and other places. Everyone has the right to take advantage of the collective benefit and no one can be excluded. It is impossible to deny access to those people who would like to use this benefit. Moreover, the Constitution defines: "Every citizen has the right to enjoy the natural objects of the property right of the people in accordance with the law. "The right of ownership of natural resources, based on the constitutional provisions, is provided in the following forms: the right of ownership of the Ukrainian people (Article 13), the right of state ownership of land (Part 1, Article 13), the right of citizens and legal entities (Article 14), the ownership of territorial communities on land, natural resources (Part 1 of Article 13 and Part 1 of Article 142). The Constitution of Ukraine recognizes the right of everyone to own, use and dispose of their property (Part 1, Article 41) [8].

The second reason for state management of use of natural resources is external effects. With regard to land resources, these effects are directly connected with pollution, depletion, misuse of land. These problems will have a negative impact on residents of territorial communities, tenants and, ultimately, state and local governments, and in the future, they will not be able to count on sufficient revenues to the budget as the lands are damaged and irrationally used.

Developing the theory of "external effects", the English economist A. Pigou proposed to levy taxes on the subjects of environmentally destructive activities, which should ensure the equalization of private – firm and social costs in the process of use of natural resources. With the help of tax, which compensates for the caused damage, there is an opportunity to integrate environmental elements into the market mechanism. As a result, management in this area becomes optimal and automatically regulated by market relations nature [9, p.14]

The third reason for public administration is the failure of the market. Representatives of neoclassicism pay attention to the limited scope of influence of market relations. They talk about the existence of "asymmetry" in the economics, when one part is covered by a system of market incentives and functions well and the other is outside the market and demonstrates inefficiency. State and municipal land resources "provide services" to people outside market relations,

and therefore do not pass through the market, so the latter cannot ensure their rational use.

The fourth reason is to ensure order. Market laws require compliance with contracts and protection of profits. The state monopoly on power and sovereign power guarantees that these foundations of social and economic order will be preserved.

The state has to express and protect the collective interests of all members of society, and therefore, is an institution that embodies a common will, a common interest of all its citizens. Separately taken individual, private goals for the use of natural resources may both conflict with each other and may not be in line with public goals. Private economic interest itself does not contribute to social stability, and this requires a state-provided legal order which is an order with equal right.

According to the legislation in force [12], subjects of land relations are citizens, legal entities, local self-government bodies and governmental authorities. Regarding the object of our research, the key entities of the land relations system are the governmental authorities and local self-governing authorities, which form a regulated, hierarchical, open, complex system that produces land management processes within the limits of the regulations and functions set by law. The theoretical basis of the process of land relations management is the core concepts that reveal its content: “state regulation of the sphere of land relations”, “state regulation of the land relations sphere”, “state policy in the field land relations”, which in its turn should be determined on the grounds of analysis of the processes of its formation and implementation.

It should be noted that environmental specific nature in general and in any natural resources, in particular land resources, as a subject of management, requires a comprehensive and centralized approach that cannot be provided without governmental involvement. The state has the opportunity to:

- set up the forms of ownership of natural resources, their boundaries and features of use in accordance with laws;
- plan and forecast resource use;
- encourage or hinder the development of resources;
- determine the forms of regulatory impact on the process of use of natural resources;
- set up special control and oversight bodies with appropriate functions;
- create conditions for efficient use of natural resources;
- protect and conserve natural resources;
- create approaches for the population with respect to the economical, rational use of nature.

It can be stated that the changes in the land relations sphere in the years of independence in Ukraine have had major social and economic consequences:

- the land has been denationalized;
- agricultural land has been monetarily evaluated;
- payment for land use has been introduced;
- there is a market transfer of land (purchase-sale, lease, transfer by gift, exchange, inheritance, pledge);
- market land legislation has been introduced;
- socialist state structure of commodity agricultural production has been eliminated.

The most important goal of land reform has been achieved which was proclaimed by the Supreme Council of Ukraine in 1992 and it eliminated the monopoly of the state on land. However, as Ukrainian scientists point out, the most pressing problems in this area remain:

- the unfinished state of the economic and legal relations of property;
- the shortcoming of state regulation of land resources and land use, land legislation and infrastructure of the land market, especially of agricultural land;
- lack of development of an automated system of keeping the state land cadaster, aimed at solving guarantees of rights to land, redistribution of land, land regulation, differentiated and complete taxation.

The widely studied scientific community is the problem of state regulation of land resources themselves, in which much attention is paid to the research of the state policy of regulation of land relations. Consequently, the concept of land policy, which is also provided in the Encyclopedic Dictionary of Public Administration, can be represented as follows: land policy is a system of state measures aimed at the development, improvement or radical change of public relations in the possession, use and disposal of land (land relations) [10, p. 144].

Therefore, to sum up the abovementioned definitions of state regulation, state policy, land policy and land relations in Ukraine, we consider it expedient to propose the following formulation of the definition of state policy for regulating land relations. In particular: the state policy of regulation of land relations is a multidimensional system of economic, organizational and legal measures aimed at development, improvement or radical change of land relations in the prioritized direction for the state, carried out by state bodies with the purpose of rationalization of land use and protection, ensuring food security of the country and the creation of environmentally safe conditions for business and citizens.

In view of the above, the goal of the state policy of regulation of land relations lies in its definition that is the achievement of rational use and protection of land ensuring food security of the country and creating environmentally safe conditions for economic activity and residence of citizens.

At present, the need for the formation of the State Policy in the Land Relations Regulation is conditioned by the fact that the land reform, which began with the adoption of the Decree of the Supreme Council of Ukraine of the Soviet Socialist Republic "On Land Reform" dated 18.12.1990 and has been in force for 28 years, however it has not solved its tasks yet. As the processes of land reform proceeded slowly, the land issue became extremely politically charged and the ways of land transition to efficient land users were almost blocked [11].

The system of public administration established in Ukraine in this area is internally contradictory, incomplete, cumbersome and is an obstacle on the final stage of land reform.

Alongside, it is necessary to point out that for the years of independence in Ukraine, the organizational and legal and resource-functional grounds in the field of implementation of the State Policy in the Land Relations Regulation have been introduced. With the adoption of The Land Code of Ukraine dated 25.10.2001 [12] the directions of the land policy of the state were already outlined, which focuses on solving problems of development of land ownership relations, formation of the land market, improving the efficiency of public administration of land resources, improving state control over land use and protection, etc.

The adoption of the laws in Ukraine “On Land Valuation” dated 11.12.2003 [5], “On Land Utilization” dated 22.05.2003 [13], “On the State Cadastral Information Registry” dated 07.07.2011 [14] on the strategy of sustainable development “Ukraine – 2020”, approved by the President’s Decree of Ukraine dated 12th January 2015 No 5/2015 [15] and others.

It should be noted that the process of state policy formation in the field of land relations must be sorted out and optimized as well as having clearer purposefulness and validity, it is advisable to include: target consistency and adequacy, the content of which is to determine the goals of the state policy on the grounds of taking into account social, public, private interests, the real state of affairs in the field of land relations, their hierarchical balancing of priorities in obtaining strategic results which are essential for society as a general principle, but not separate participants of land relations; social orientation, which involves foremost the satisfaction of the citizens’ needs, the entire Ukrainian people, with respect to addressing the problems of food, environmental security, ensuring the proper and safe conditions of territorial settlement, guaranteeing the right of equal access to all citizens, which should be protected by the state, in relation to acquisition, use and disposal of land, limitation of processes of monopolization of land resources, their concentration in private ownership of the oligarch-criminal groups; criticality and predictability are explained by the necessity to develop the process of forming state policy in the land relations on the grounds of clearly defined general criteria based on prioritized directions in politics and results that clarify their groups and determine desired, regulatory-predicted quantitative and qualitative values that describe quality and effectiveness of public land policy. The principles of the implementation of state policy in the field of land relations should ensure the efficiency and high quality of administrative processes, activities of public authorities in the implementation of program measures defined by the state policy, which should ensure the solution of tasks and achievement of the goal, in particular: optimality in the functional-hierarchical relations between governmental authorities, which should provide a clear delimitation of functions and scopes of responsibilities, target specification of management process, determination of the specified field of responsibility, ensuring flexible coordination of the interaction between the governmental authorities and local self-governing authorities [16].

Therefore, due to numerous factors, the opportunities available to ensure a balanced development of land relations in Ukraine have not been sufficiently implemented. Consequently, it is important to have a scientifically-applied task to establish and implement State Policy in the Land Relations Regulation that would be able to achieve the rational and effective use and protection of land, ensure the food security of the country, and create environmentally safe conditions for economic activity and residence of citizens.

The conclusions from this research and prospects for further exploration in this direction. To recap the abovementioned issues, it should be noted that the governmental authorities and local self-governing authorities, which perform as consolidating and systematic agents of the development of land relations in Ukraine, play a major role among the prioritized directions of formation and implementation of state policy in the sphere of land relations in Ukraine. The concept of “State Policy in the Land Relations Regulation” is determined as a

multi-aspect category, which is a system of economic, organizational and legal measures aimed at the development, improvement or radical change of land relations in the direction which has high priority for the state and it is carried out by governmental authorities for the purpose of rationalization of use and protection of the land, food security of the country and creation of environmentally safe conditions for economic activity and residence of citizens.

In our view, prospects for further exploration of this problem are as follows: research on land development strategies, use and protection of land in Ukraine; legislative and institutional foundations for the formation and implementation of state policy in the field of land relations of Ukraine.

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ТЕОРЕТИЧНІ ЗАСАДИ ДЕРЖАВНОЇ ПОЛІТИКИ У СФЕРІ ЗЕМЕЛЬНИХ ВІДНОСИН

Висвітлено проблеми та недоліки у формуванні та здійсненні державної політики у сфері земельних відносин відповідно до обраних напрямів реформування, яке є складним та багатофункціональним процесом, ефективність якого, безперечно, залежить від його наукової обґрунтованості та розвитку науково-концептуального механізму. Досліджено ключові суб'єкти системи земельних відносин – органи влади та місцевого самоврядування, що встановлюють регульовану, ієрархічну, відкриту, складну систему, яка забезпечує процеси регулювання земельних відносин у межах положень та функцій, встановлених законодавством. Розкрито зміст категорій "державне регулювання сфери земельних відносин", "формування державної політики у сфері земельних відносин" та "реалізація державної політики у сфері земельних відносин". Визначено, що складниками державної політики у сфері земельних відносин є мета, напрями, принципи її формування та реалізації.

Ключові слова: реалізація державної політики у сфері земельних відносин, принципи державної політики у сфері земельних відносин в Україні, державна політика у сфері земельних відносин, суб'єкти системи земельних відносин.

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