LAND RELATIONS REGULATION DURING THE TRANSITION TO THE SUSTAINABLE DEVELOPMENT

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Abstract: This article considers the question of land relations regulation through the triad of connected blocks of economic, ecological and social direction, which will enforce in the appropriate institutional environment during the transition to the sustainable development the harmonic society development. The economic aspect of the regulation forms the effective system of taxation on the plots of land using, payment of the land charge, applying of the mechanism of the compensation of land tenants damages, expediency and efficiency of the land tenure. The ecological aspect determines processes of society and land recourses interaction as to protect and reproduce the land recourses potential. The social aspect foresees the possibility of the creation of comfortable dwelling conditions for inhabitants, the fair access and distribution of land recourses among different layers of land users. As a result, the application of the sustainable land tenure principles is proposed, which will enforce the forming of the effective system of the land relations regulation during the transition to the sustainable development.

Keywords: land relations, land regulation, sustainable development, land, social impact, economic impact.

Introduction

The determination of the “individual - land” relations that develop together with the human society is an extremely actual problem in the state land relations regulation and also during the application of market self-regulation mechanisms, because first of all they are aimed to adjust mutual rights and duties of the land relations participants.

The imperative condition of the transition to the sustainable development grounds in the sphere of the land tenure is the creating of understandable and distinct mechanisms of the land relations regulation, which Ukraine will probably realize thanks to the proper understanding of processes, which will take place in different levels of the land management. That is why the reasoning of theoretical grounds of the land relations adjustment for achievement of the sustainable development object is an actual nowadays problem and task as to the future land relations development in practical and theoretical aspect.

The following scientists paid heed to the studying of the land relations regulation: D. Babmindra, V. Budziak, B. Danylyshyn, A. Lysetskyy, A. Martyn, V. Mishchenko, M. Khvesyk, M. Fedorov and others. The peculiar accent in their works is made on the necessity of the land market formation, this disregards the whole line of social, ecological and economic problems of the land property re-distribution according to the sustainable development conditions.

Method

On the current stage of the state building development our country tries to create the integral program of the social and economic development, to complete the restructuring of the economy, to improve and strengthen appropriate mechanisms of the economic activity, financial and budget, credit and monetary systems. The following idea occurs in the contemporary scientific thoughts, that the land relations – are the social relations of the possession, using and disposing of the land.

Land relations – are willed social relations, they have the objective character and they are economic relations. Land is included into the sphere of the production, because it supplies people with food and prepared living means, it becomes an object of the appropriation that is property. Land resources are not the product of the human labour, they are created under the activity of objective natural factors, and this affirms that they appear as the common weal, and they are not the immanent form of the private property. In political and economic point of view the land is the mean of production. It demonstrates the objective existing unity of the land as the object of the matter and the process of its functioning in the social production.
The economic essence of land relations is conditioned by the land ownership relations as by the obligatory condition of the material production and other social activity. Land relations, which originates from the land as from the main production mean, territorial basis and in the same time natural object, which is found in the connection with the surrounding natural environment, closely connected with social relations, the object of which are waters, forests, animal and plant world and others. Exactly because of the close natural interaction between all natural resources, among which the land takes the dominating place, land resources together with water, forest and other are the part of the single group of the ecological relations. Due to the fact that using of one natural resources influence the ecological condition of other natural resources and the surrounding in general, all social relations, which appear herewith including the land relations, are characterized by the ecological content.

The next factors have the essential influence on the regulation of the ownership relations of the natural resources: they are the product of nature that is created without the working participation of the human and social costs; they are limited in quality and quantity by the natural sphere; their dimensional lines cannot become wider in reproduction way or are difficult to be reproduced; natural resources don’t have the real value and in strictly economic understanding they cannot become a commodity; main natural objects are physically immobile and cannot be relocated in the space; the main natural recourse – the land is the production mean in the agriculture and in the forestry; if people rationally use the lands as the production mean its productive powers will not diminish but on the contrary they will increase.

According to B. Danylyshyn and V. Mishchenko, the substantiated solution of the problem of the land resources property that is the complex of legal relationships, connected with the realization of the functions of possession, using and disposing of them between different state administration bodies and also the entrepreneurship subjects, is one of the vital preconditions of the land tenure management improvement and rising on this basis of the economic effectiveness of the state in general (Danylyshyn, 2003, p. 40).

According to B. Kosovych, the land relations regulation – is the legal, economic, administrative, organizational activity of the state bodies and specially authorized subjects, aimed to determine, change, abolish and regulate land relations participants rights and duties, to control and influence their activity concerning the possession, using and disposing of the land. Land relations – are regulated by the legal, economic and other social norms relations, which arises between persons, who have rights and duties of the land possession, using and disposing (Kosovych, 2004, p.7).

In the conditions of the sustainable development essential characteristics of the land relations regulation are supplemented by the wider content. Because in this case three blocks of related questions of economic, ecological and social direction, and the correspondence of modern land relations to the rapidity of transformations, that take place in these spheres are considered.

To secure the object of the sustainable development attached to the possession, using and disposing of land resources the economic block of land relations regulation envelops the installation of the fee for the land purchasing according to the legislation and on the basis of expert estimation of the land; the annual payment of the land tax or rent, which are determined in dependence with the quality and disposition of the land area, according to the normative estimation of the land; establishment of exemptions concerning the land payment; creation and functioning of the mechanism of calculation and compensation of damages for land owners and land users because of the worsening of lands quality or bringing them to the ineligibility for the purpose-orientated usage; effective and expedient using of lands etc.

The ecological block of land relations regulation pursuing the object of the sustainable development determines tends of the interaction of the society and the natural recourse – the land, thanks to the realization of the recultivation, conservation, afforestation, grassing, melioration, accretion, sticking to the crop rotation, applying of the organics, liming, gypsuming, creation of hydrotechnical edifices for the erosion protection, plantations for the banks strengthening, soils and water sources protection, non-admission of the land soiling by the fuel and lubricant materials, heavy metals etc., establishing of non-polluting technologies and moldboardless soil cultivating, creation of territories of the nature reserve fund, control over the pollution of the surrounding etc.

There are the following aspects of negative trends: anthropogenic soiling of the surrounding; exhausting of the minerals reserve; degradation of land resources; decreasing of areas containing the biotic and landscape diversity; ecological crisis etc. As follows the ecological conditions of living of the humanity and saving of the population health are becoming worse (Rudenko, 2008, p. 8).
The social block of land relations regulation in order to reach the object of sustainable development provides the fair access to the land resources, the solution of social problems on appropriate territories. In other words we can say that the totality of land tenure options, according to which the maintenance of the minimal admissible level of local population welfare requires bigger resources expenses then it is possible to receive thanks to the exploitation of the available land resources potential of the territory, so this creates problems with social nature. As a result, for example, such negative phenomenon as the villages, settlements and small towns “extinction”, departure of the local population from the territories with radiation or technological pollutions etc. The social block of the land relations regulation aims to establish the complex of measures to minimize or avoid such negative aspects in the administrative territorial formations. The next measures can be picked out among them: creation of comfortable living conditions for people, creation of the territorial working conditions, selection of the areas for the social infrastructure development, for territories with the sanatory, historical and cultural or recreational purpose.

Therefore according to the triad of the sustainable development a country have to plan and realize the policy in which the production is integrated with resources preservation and its restoration as the essence of the vital activity of the humanity in case of fair access to the resources. As follows it can be affirmed that the sustainable development by itself determines the recreation and preservation of natural resources, in this case the preservation of land resources, which are used by subjects of land relations to achieve the object of sustainable development in the threefold social ecological and economic dimension.

The evolution of the society economic life does not exclude the possibility of the structural reconstruction of the economy and radical changes in the sphere of the land property relations. Herewith it is useful to understand, that exactly in the process of its growth the economy can become perspective, to realize current and long-term interests of different social groups of the society, and also to have the nearest and the farthest consequences of our actions in order to develop mechanisms of market land relations regulation in connection with the object of the sustainable development. In the process of the land reform execution both conservatism (aspiration for maintaining of archaic forms of economic relations) and thoughtless radicalism (aspiration for destroying of all old relations in order to create something new) can be considered as equally harmful. All objective and subjective conditions of social development and their deep analysis have to be necessarily taken into account to remove all actually archaic relations and to organize in a new way the production processes and the whole economic life in the interests of the majority of people and the society in general during the land order reformation (Martyn, 2011, p.11).

**Results**

As follows the system of land relations processes organization has to be based on and take into account all principles of the sustainable land tenure. That is why from the perspective of this position we offer the next principles of land relations regulation, which will guarantee the creation of the effective system of land relations regulation, we will group them into 3 blocks: ecological, economic and social. Ecological block will include principles of recreation, ecosystem orientation, resource-saving and thrift, optimality. Economic block will be formed by principles of scientism, timeframes observation, chargeable and repaying character, regional character, purpose-oriented using of land resources, complex using of land resources. Social block will comprise principles of accessibility, fairness, food security. All three blocks include the application of the principle of rational and effective using of land resources and environmental protection (fig. 1).

Summarizing the aforesaid, it is possible to make the conclusion, that main principles of the sustainable land tenure, which form the effective system of land relations regulation, are the next: rational using and protection of lands, resources preservation, thrift, lands reproduction thanks to the agricultural and industrial production ecologization, scientific reasoning of the perspective model of land tenure development in conditions of the sustainable development, using of lands with different purpose orientation, fair redistribution of land resources and goods between different social stratum, accessibility of the land resources and accessibility of the information about the land conditions or state. Thus the principles of land relations are the leading foundations, which express main directions of the land relations regulation and the essence of the regulating norms, connected with the rational using and protection of lands, which are reflected through the ecological, economic and social triad, which will guarantee the sustainable development and the harmonization of interests of all social stratum.

From the perspective of land relations regulation in the conditions of sustainable development, it is necessary to mention, that the gradual development of ecological, economic and social components should not
lead to the destructive changes of the one single component of the land relations development, but furthermore each element of all components of the sustainable development have to enforce permanent restoration, reproduction and protection of the land and resources potential not only for contemporary, but also for the future generation.

Discussion

Land relations regulation is the necessary condition for the creation of the sustainable order in the sphere of the land tenure, and also enforcement of the “rules of the game” of corresponding bodies, institutes, institutions and organizations, which are able to provide the protection of land users interests, the rational land tenure and the protection of land resources in accordance to fixed acting norms of the land legislation, which will lead to the sustainable development and the prosperity of the society.

We can make the conclusion, that the evolutional development of land relations has long ago become one of the most preferable directions of national economy reformation. It determine the main priorities of the food security of the country and the development of different sectors of the economy in the country, if forms the basic institutional environment of the land tenure,ens(370,389),(618,420) the necessity of the ecological safety during the development and reproduction of the lands and resources potential in the conditions of the sustainable development. Each stage of the land relations development and regulation performs different tasks, changes approaches of its execution in the close connection with land transformations processes and the condition of the land tenure scientific problems, and the land relations regulation as always remains the important instrument of the state policy implementation according to the object of the sustainable development.

References


