

## THE PROBLEMS OF LAND REFORM INCOMPLETENESS IN UKRAINE

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### Abstract

*The course of Land reform in Ukraine is analyzed, its positive and negative results are revealed both in the issues of rational agricultural lands use, especially in solving the ecological component in land use and in the problems of social and economic development of rural territories. Legislative documents and subordinate acts of the Ukrainian state that regulate carrying out Land reform or have a direct relation to Land reform and other scholars' research on this topic is the main database for conducting scientific studies. According to the authors, the conducted studies show that in the theoretical positions of Land reform all the problematic issues concerning the land use organization; mainly environmental components have not been taken into account. Moreover, the issues of the development of village infrastructure and raising the peasants'- landowners' living standards have not been also taken into consideration. Generally, the goal of Land reform in Ukraine has not been achieved to the full extent. It has led to significant shortcomings in agricultural production and a decrease of Ukrainian peasants' living standards. The scientific novelty of the article is the issue that it is indispensable to hold a national discussion of the theoretical foundations of the reform before carrying out the reform in the state, which affects more than half the population. The scientific approaches for state structures regarding correction of drawbacks in land use, which have been revealed in the course of carrying out Land reform, are developed and recommended and ways of solving some problems of rural territories development are suggested.*

**Key words:** land reform, land shares, agro-industrial complex, market relations, land protection, ecologization of technologies

### INTRODUCTION

The conditions, forms, and approaches to the agricultural lands use are radically changing due to the current changes in the economic mechanism of the development of the agro-industrial complex, introduced in Land Reform in Ukraine.

Land reform, which has been carried out in Ukraine since the beginning of the 90s of the previous century and has lasted for almost 28 years, with its destruction of achievements of a positive experience in agricultural production, was doomed to failure at once. The state of rural settlements, and, particularly, the miserable situation of peasants' living standards, which we observe today, is the thing that actually shows the current state of the agricultural sector in our state is. Land shares as a virtual property with

practically impossible transformation into a real private property (commodity), is mainly used in large agricultural firms and have not made the owner from the peasant without rights.

### MATERIALS AND METHODS

A study on the legislative framework, according to which Land reform is implemented in Ukraine, has been conducted. It has been established that in the theoretical positions of Land reform all the problematic issues concerning the land use organization; especially environmental components have not been taken into account. Moreover, the issues of the development of village infrastructure and raising the peasants'- landowners' living standards have not been also taken into consideration. One can explain

it by the fact that from the very beginning of Land reform, the peasants have not understood its essence, as well as its final goal until to the full extent. Nobody had previously discussed the theoretical achievements of changes in land relations with peasants in Ukraine. The authors of the theory of Land reform are unknown. For instance, we only know about Stolypin Agrarian Reform.

Specialists-scholars in agrarian sciences O. Dorosh, V. Holian, I. Irtysheva, M. Khvesyk, L. Novakovskiy, A. Sokhnych, M. Stupen [3, 4, 5, 6, 10 ] and others constantly do researchers of the results of Land reform implementation, land relations improvement in the context of carrying out Land reform.

In addition, the publications of the above-mentioned authors inform that an active search for ways to improve land relations and economics of land use has been actively done in the course of the entire time of carrying out Land reform in Ukraine. In particular, the realistic description of Land reform in Ukraine is provided in the monograph of M. Khvesyk and V. Holian [5] "Institutional Model of Nature Use in the Context of Global Challenges". The authors of the mentioned scientific publication write that due to the information about the experience of reforming land relations in Ukraine one can highlight a number of problems of its implementation and also prove the necessity to improve the state policy in the field of land use management, thanks to the land management.

Land relations reforming and the development of rural territories are processes that are closely linked and identified as priorities during the period of Land reform. The successful resolution of these interconnected priorities should lead to a stable increase in peasants' – landowners' standard of living. A lot of papers have already been written about the impact of Land reform on the land relations transformation and the development of rural territories, but the infrastructure of the village is becoming even more miserable every day, and the living standards of the owners of land shares are deteriorating. Profits grow only in the managers of the large agrarian companies, agricultural holdings, which lease land shares from peasants.

## RESULTS AND DISCUSSIONS

These changes have been further intensified since the introduction of administrative and territorial reform in Ukraine, especially they relate to the organization of agricultural lands use on the territory of established merged territorial communities.

On January 31, 2018, the Cabinet of Ministers of Ukraine issued an order № 60-p "On the Transfer of Agricultural Land Plots of State Property into Communal Ownership of the Merged Territorial Communities" [8] significantly complicated the state control over the use and protection of land, particularly, agricultural lands. Although it is understandable that the truth is that at any stage in the development of society, any state does everything that it can in order not to lose control over the rational land use. Thus, the question arises: who and how will be responsible for the efficient land use in Ukraine?

Today, the term "reform" has become quite popular for the authorities, and is not completely obvious and favorable for citizens, because in most cases there is no coherent vision of this process. In many cases, the reforms can lead to the deterioration in citizens' lives, the state of infrastructure, the decline of agricultural lands.

One can monitor the same situation with the land reform that has been going on in the country for more than a quarter of the century and only a small group of people who are owners of large agrarian business can be satisfied with the positive results. Plenty of the owners, owners of land shares from Land reform were disappointed, desperate in the issues of justice and had a negative attitude to reforms.

Nowadays, the state actively implements administrative and territorial reform. If political, legal, economic and social institutions are not created, as well as norms that meet the best standards and values of the developed democratic countries are not studied thoroughly, then this reform will result as Land reform.

As a result of the implementation of Land reform in Ukraine, significant changes in the

development of rural territories have occurred, but, considering the analysis, it is not always the best one as it prevents the efficient use of labor and production potential of rural territories, the normal development of the village.

However, users of land plots, large agrarian formations, and agrarian holdings, avoid participation in the development of village infrastructure in every way. Tenants of private land plots (shares) want this problem to be solved by the state and territorial communities, but to get all profits from the land only by themselves.

Similar approaches to this problem are supported by individual scholars who justify the position as follows: Land reform is intended to divide the performance of productive and social functions. So, the first one is to be performed by agrarians, and the second one – by the state.

It is thought that such approaches are not quite fair. The authors, developers, organizers and implementers of this reform, but not citizens of Ukraine should be responsible for problems that arose in context with the implementation of Land reform.

In fact, the peasants' right to dispose of their property is limited not only to a moratorium on the sale of their own land plots but also on the results of work on the land. Basically, other people exploit soil fertility, as a factor in gaining profit in the process of land use.

The state creates conditions for peasants regarding the loss of their owner's functions, restricts their constitutional rights, and stimulates agricultural production, which does not provide the necessary amount of lease for expanded reproduction instead of actual protecting the peasants' rights on land due to a lease system and regulating land relations [6, p.24].

Agriculture is almost an alternative type of economic activity and does not provide profits for the development of small agricultural enterprises and rural population in the territories of the rural communities that are being actively established now. It led to the necessity to develop rural development programs at the state level.

The concept of Rural Territories Development, which states that agrarian transformation that had taken place in Ukraine in recent years allowed increasing the gross output of agricultural products, was approved in the order of the Cabinet of Ministers of Ukraine dated on September 23, 2015. However, it did not contribute to the social and economic development of rural territories and an increase of the living standards of the rural population, therefore. That is why there is a need for a comprehensive approach to the solution of rural territories development issues, based on the principles of sustainable development. In the concept of rural development, there is the improvement of the system of rural territories management among the major priorities and mechanisms of preparation of the agrarian sector of the state for functioning in under free trade zone with the EU conditions [9].

Territorial planning of land use is related to spatial sustainable development. In particular, territorial planning of land use should be considered as one of the main levers of the state land policy regarding the harmonization of state, business and public interests in the field of land use and protection in the rural territories for the long-term period, without disturbing the balance between preserving of the nature and resource potential and solving the entire complex of social, economic, demographic, cultural institutional and other problems [3].

One can achieve it by creating new jobs, attracting investments in technical re-equipment of existing enterprises, introducing up-to-date production technologies and modern management.

The state has paid less attention to the protection issues of lands, especially agricultural ones, and, moreover, agricultural producers virtually ceased to take measures to the soil conservation since the first years of independence of Ukraine. It is of vital importance to develop a mechanism for the withdrawal of land that tenants use unsatisfactorily at the legislative level in order to correct this situation [2].

It is imperative to develop a comprehensive system of land management measures, which

should be a constituent part of land organization projects for the prevention of the vulnerability of agricultural production from natural climatic conditions and its adaptation to these conditions.

However, one should understand that the state will not allocate funds from the state budget to private households for doing land organization projects. Private landowners must opt for projects themselves, and the land management service should offer the landlords several land organization models for their territories and several ways to implement them [1, p. 95].

Analyzing the efficiency of agricultural lands use and the reduction of the quality of arable land, one should note that the principal reason is the low level of financial and organizational management, as well as corruption schemes of leased land resources use [4, p. 155].

Taking into consideration the fact that today Ukraine is on the way to European integration, the approaches to the organization of the use of agricultural lands must comply with European standards. First of all, the consideration of environmental aspects must be taken into account. In addition, it is necessary to exclude land plots that are used in violation of the actual land legislation and lands that are not cultivated and are weed nurseries from agricultural cultivation. In other words, one should arrange the use of unclaimed land shares, shares of deceased citizens, whose heirs did not reprocess property rights, as well as lands under project roads, windbreaks and some other ones without the owner. These lands are located in the land masses and are mostly used without legal documents. In contrast to it, only illegal land users have benefits and profits from the use of these lands [2].

## CONCLUSIONS

All in all, the scientific novelty of the article is the issue that it is indispensable to hold a national discussion of the theoretical foundations of the reform before carrying out the reform in the state, which affects more than half the population. The current situation is recognizable for everyone, that is, the rapid

resolution of the problems of rural territories as well as their development will not take place without active state intervention in the process of completing the state reform in Ukraine. Therefore, the state has already taken decisive steps to remedy the shortcomings in carrying out Land reform. Thus, since January 1, 2019, the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Concerning the Issue of Collective Ownership of Land, Improvement of Land Use Rules in Agricultural Land Areas, Raidership Prevention and Stimulation of Irrigation in Ukraine” came into force [7], which took into account the correction of almost all of these shortcomings. Provided that the authorities demonstrate the political will regarding the organization of the implementation of the mentioned Law of Ukraine, there are all principal fundamentals for the really successful completion of Land reform and bringing agricultural lands use to the scientifically sound methods, which will influence the development of the village and rural territories positively and will raise the living standards of the rural population.

In addition, it is of vital importance for the central executive authorities in the shortest time:

- To establish land management projects development regarding the ecological and economic justification of land use organization as an obligatory one for all land users in a legislative way;
- To create a favorable legal framework for actively attracting investments in agricultural development, as well as to develop a state policy regarding stimulation of investors;
- To provide local authorities with the necessary powers and to identify sources of funding, including at the expense of business entities, which lease land shares on the territory of the local council for the maintenance of rural territories infrastructure in the proper condition and their further development.

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