

## PUBLIC MECHANISMS FOR REGULATING LAND RELATIONS IN THE CONTEXT OF AGRARIAN REFORM

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**Abstract:** The article aims to outline the main stages of the formation of land relations in implementing the agrarian reform in Ukraine and the mechanisms of influence on the socio-economic component of the living standard of the rural area. The development of market relations in the agricultural sector of the country's economy, the introduction of private ownership of land, the formation of its actual owner, user, and economic structures of the market type, necessitate the substantiation of qualitatively new methodological approaches. There is a need to organize agricultural land use to provide an effective mechanism for their rational use and protection. In the process of its evolution at all stages, the development of society is directly related to the earth. The key aspect of sustainable development of agricultural production is the availability of the resource potential of production, where agricultural land serves not only as a means of production but also has a social direction since it is the main resource in creating jobs for the rural population and provides jobs in other sectors of the domestic economy. The denationalization of agricultural land is considered, and the transformation of relationships between the owner, manager of land resources, and the user is analyzed. The need to develop an integrated approach to ensure the implementation of free ownership and disposal of land resources, taking into account society's needs and the historical traditions of the Ukrainian peasantry, is noted.

**Keywords:** Agrarian reform, Agricultural enterprises, Domestic economy, Land, Public regulatory mechanisms, Ukrainian laws.

### 1 Introduction

Sustainable development of the agricultural sector of the economy largely depends on the current resource potential of production [12]. At the same time, one of the critical aspects of agricultural land is both a method of production and an economic object of property relations, in particular, lease [13].

In the Ukrainian economy, land resources play a leading role since they are a working tool for implementing production programs for the formation of food and raw materials for the processing industry. The total area of agricultural land in Ukraine is about 70% of the state's entire territory and is 42,700,000 hectares, of which 32,500,000 hectares is arable land [23].

The development of market relations in the agricultural sector of the Ukrainian economy, the introduction of private ownership of land, the formation of an actual owner, the user of land, and economic structures of a market type, predetermines the need to substantiate qualitatively new methodological approaches to organizing the use of agricultural land in order to provide an operating mechanism for rational use and protection. The restructuring of land relations in the countryside (during the process of land reform and the reform of collective agricultural enterprises during the 90s of the XX century) became the impetus for the formation and development of lease land relations in agricultural production [25].

The objective need for the implementation of rural transformations is predetermined by the state and development trends of the agro-industrial complex, which has become a crisis over a short period [3, 4, 5, 7].

The problem of developing measures of state protectionism of the country's agricultural sector in the conditions of Ukraine's membership in the World Trade Organization acquires particular urgency since enterprises on their own are not able to cope with

this [18, 25]. The main current agricultural policy task in the current environment is to stop negative processes in this sector of the economy and provide conditions for increasing production and food resources [24].

### 2 Literature Review

The agricultural sector of Ukraine has acquired new significance for the Ukrainian economy in the context of the rapid growth in production and export volumes over the past decade. At the same time, as a result of the conflict in Donbas, a sharp drop in industrial production and a curtailment of metallurgical exports led to an accelerated restructuring of the Ukrainian economy, significantly increasing the importance of the agricultural sector in its structure and exports. In particular, the agro-industrial complex became a sector that continued to grow and became the leader in terms of export supplies. This, in turn, ensures further strengthening of the influence of the main participants in the agricultural market at the regional and central level on the country's political and economic processes. In this regard, it is of particular relevance to consider the latest trends in the sector and the prospects for accelerating reforms in the sector. At the same time, an analysis of the largest agricultural producers' corporate strategies in the context of their interest in carrying out reforms in the sector allows us to make assumptions about the pace and depth of transformations in the agro-industrial complex in the medium term [20].

Agriculture is one of the leading sectors of the Ukrainian economy, which has significant natural competitive advantages. The area of agricultural land in Ukraine is the largest in Europe – 41.5 million hectares (70% of the country's territory), of which 32.5 million hectares are used for growing crops [27, 34, 48, 49, 59]. The development of the sector is also facilitated by the proximity of the main sales markets, transport infrastructure (railways, roads, ports), the constant growth of world demand for food products and alternative energy, and the availability of relatively cheap labor resources [56].

Analysis of recent studies and publications, which considered aspects of this problem and the author justifies, highlights previously unresolved parts of a common problem [5, 6]. Great attention is paid to the issues of reviving the branches of the agricultural sector since today there are no tendencies of constant development in the production of agricultural products in Ukraine, and in the overwhelming majority of cases, agricultural enterprises are not competitive in comparison with the producers of the developed countries of the world [14, 26, 30, 31].

Taking into account the peculiarities of the agricultural sector, measures of state protectionism should be formed taking into account the peculiarities of the agrarian sector [15, 28], namely: the development of agribusiness carries a threat of ineffective use of natural land resources in order to obtain superprofits [41]; the production of most of the main types of agricultural products is concentrated in households, which should also not be deprived of budgetary support [47]; increasing the competitiveness of agricultural products provides for the revival of large-scale production on an innovative basis.

The period of reforming the agrarian sector was accompanied by a decline in the development of rural areas, an increase in the level of unemployment in rural areas, which led to the emergence of depressed areas and unpromising villages. The elimination of these imbalances should become a national idea since the revival of agriculture's potential – the greatest wealth of the country, and its incomplete use causes huge losses for the entire economy [19, 35, 39, 40].

### 3 Materials and Methods

Today there are many directions and software methods of information processing [8, 9], which is to obtain or extract knowledge from it. Still, the main method of information processing remains to process with humans and human intelligence involvement. In addition, it is intellectual efforts that are aimed at developing the latest technologies and supporting the productive and efficient operation of an enterprise in a competitive environment [42]. The modern business world is accelerating the integration of human knowledge into practice [21, 22, 29].

We believe that such a statement of foreign scientists is very relevant. Only the manager who successfully knows how to use his own employees' potential will be able to increase the company's profit by at least 30% in the future [54].

Simultaneously, attention should be paid to the fact that in the conditions of the rapid development of scientific and technological progress for developing enterprises, and which reach the limit of linear growth, cost optimization becomes one of the priority tools for increasing profitability [33, 50, 51, 53]. Moreover, in times of financial crisis, cost-cutting for the vast majority of organizations becomes the primary condition for survival. Thus, during the period of "mobilization" of enterprises, top managers began to pay more attention to the strict implementation of the organization's development plan, the compliance of personnel policy with the primary goals, resources, and needs of companies than in "calm times." Recently, however, the owners of agricultural enterprises have begun to comprehend the problem of a stable staff of employees, which is becoming especially urgent.

The purpose of the study is to analyze the stages of development of land reform in Ukraine, to determine the formation of land relations in connection with the denationalization of agricultural land, and the construction of new forms of management in the field of agricultural production based on personal, private lease forms of ownership.

The methodological basis of the research is the dialectical method of cognition and a systematic approach to the study of economic phenomena. In the course of the study, economic-statistical, monographic, constructive, abstract-linguistic, and systemic analyzes were used.

### 4 Results

During the development of Ukraine, the peasantry traditionally occupies a rather important place as the oldest community directly related to agriculture and agricultural production [38]. The labor activity plays a significant role in the sustainable creation of food resources to meet the country's population's needs, ensuring its food security in the global market space.

Today, the country's agricultural sector is a key segment of its economy, forming within 60% of the consumption fund and creating more than 10% of the gross domestic product. Speaking about the agricultural economy's role, it should be noted that this industry is the primary resource potential in creating jobs for the rural population. At the same time, it provides jobs in several other sectors of the domestic economy – food and processing industries, trade, transport, etc. Therefore, the functioning and development of agricultural production in rural areas directly proportionally affects the level of unemployment, labor migration, and the socio-economic component of rural areas' living standards [36].

Simultaneously, it is impossible to talk about agricultural production development without the main means of production - the land. After all, the development of society, in the process of its evolution, at all stages is directly related to the earth. The Constitution of Ukraine determines that land in Ukraine is the main national wealth and is under special state protection since land resources occupy a special place in the country's economy.

Following Article 13 of the Constitution of Ukraine, land is an object of property rights of the Ukrainian people. On behalf of the Ukrainian people, the owner's rights are exercised by the bodies of state power and local self-government, within limits determined by the Basic Law of Ukraine [64]. The desire of Ukraine to restructure land relations in agriculture and develop them following the world standards objectively prompted the formation of an adequate system of land relations, primarily focused on the formation of a full-fledged owner-owner of land in the countryside [37, 43-46].

The reform of the agrarian sector of the economy in Ukraine took place in stages. One of the main stages of the land reform began after the release of the Supreme Council of the Ukrainian RSFSR "On land reform" of December 18, 1990, which contributed to the organization of the search for effective use of agricultural land. This regulatory document assumed the redistribution of land with the simultaneous provision of it in the hereditary possession of citizens, in possession of collective farms, state farms, and other enterprises, organizations, institutions [23, p.8]. That is, agricultural land was provided only for perpetual use, while the state monopoly on land ownership was retained. The provision of land for life and permanent possession gave the right to use it at its discretion but did not allow it to be disposed of; that is, it did not give the right to sell and lease.

An important role in the formation and improvement of legislation on land reform was played by the laws of Ukraine "On peasant (farm) management", "On collective agricultural enterprise", "On the form of ownership of land", and the Land Code of Ukraine was adopted in 1992 [64]. There was a reform of land relations, and collective farms were reorganized into Collective Agricultural Enterprises (CAE), to which the state transferred agricultural land to collective power free of charge [32].

Motivated by socio-economic aspects, the majority of domestic scientists in the early 90s purposefully argued that the land should be brought closer to the producer, that the system of land relations, which functions only on state ownership of land, prevents the formation of conditions for more efficient use of land and labor as well as material resources.

According to the Decree of the President of Ukraine dated August 8, 1995, № 720/95 "On the procedure for dividing land transferred into collective ownership of agricultural enterprises and organizations" [16], the division of agricultural land was carried out between members of collective agricultural enterprises. In fact, the newly created collective agricultural enterprises did not differ in any way from the collective farm model of management [52, 59]. The only difference was the transition from the state form of land ownership to the collective one, with the subsequent distribution into land shares for which private property rights were acquired [60, 61].

The lack of an ecological and economic justification for the redistribution of land resources led to the fragmentation of 27 million hectares of agricultural land (65% of the country's agricultural land) between 6,900,000 citizens, or 46.4% of the rural population acquired the right to a land share, which was transferred to private ownership. The average land share in Ukraine was 3.9 hectares. Depending on the available agricultural resources and representatives of collective agricultural enterprises in the state's regions, the average amount of land share ranges from 1.1 hectares to 8.8 hectares [19].

The same trend remains today. Within 97% of agricultural land, private, communal, state property is leased in various, in terms of organizational form, agrarian formations [10].

The peasants became the owners of land certificates, which confirms their right to the land share of the share, while the land shares were not allocated in the realities of the locality [12, 67-69].

No significant serpens occurred in agricultural production. The created collective agricultural enterprises continued to function according to the principle of collective farms, that is, collective property. Therefore the peasants did not feel much difference from the reform of collective farms. Agricultural production in Ukraine continued to develop in an extensive way, which inevitably aggravated the industries' crisis state. In 2000, the production of gross agricultural products in the state decreased by 46.6%, or by 131,752 million Ukrainian Hryvnias compared to production in 1990 [19].

Decree of the President of Ukraine dated December 3, 1999, № 1,529 "On urgent measures to accelerate the reform of the agrarian sector of the economy" [17] stimulated the creation of agricultural formations with the attraction of investment flows based on private property. Owners' societies, private enterprises, and other forms of economic structures renting land shares and peasants in order to develop their agricultural production, and the main goal were to make a profit [70, 71].

Among the directions of state protectionism, a subsidized approach, non-transparent budget support, and a system of tax incentives prevail, which have proved ineffective in stimulating the development of a highly efficient and competitive Ukrainian agricultural sector. The absence of at least a medium-term planning strategy and the inconsistent, uneven and ineffective distribution of budget expenditures complicate long-term planning of investments in this sector and increase the risks for entrepreneurs.

Today, the main regulatory legal acts that determine state support for the agricultural industry in Ukraine are the laws of Ukraine: "On state support for agriculture in Ukraine", "On the basic foundations of state agrarian policy for the period up to 2015", "State target program for the development of the Ukrainian countryside for the period up to 2015".

Despite the existence of sufficient legislative and regulatory support regarding state support for the agricultural sector, many problems are inherent in state policy in this area, the main ones of which are as follows:

- Decrease in the financing of measures of direct support of the agricultural sector;
- Ineffective use of funds by the Agrarian Fund in the implementation of price regulation in the agricultural market;
- A low level of awareness of rural residents regarding the possibilities of receiving state aid, a complex procedural mechanism, and non-transparency of its receipt;
- Insufficient funding of government programs, as well as ineffective use of funds allocated for them;
- Termination of state target programs, as a result of which certain areas of state support for agriculture ceased to exist;
- Low level of the government's implementation of indirect measures to support the agricultural sector.

That is, at the moment, it is indisputable that the agrarian sector of Ukraine, in order to revive its potential, first of all, needs measures of state protectionism. The main directions (goals) of such support will be the following [66]:

- Support for commercial production and increasing the competitiveness of agricultural products;
- Support for small commodity producers, start-up entrepreneurs, family farms, and cooperative associations;
- Land protection and rational use of agricultural land;
- Setting prices to support certain types of agricultural products;
- Development of market infrastructure;
- Support of local initiatives for the development of rural areas and the quality of life in the countryside;
- The development of agricultural science and the introduction into production of the latest technologies for the production of agricultural products, soil cultivation systems, etc.;

- Development of the material and technical base of agricultural production.

However, studies show that state regulation of the development of the agricultural sector used today is quite often ineffective, insufficient, and such that they are not fully used, both for objective and subjective reasons [55, 56].

## 5 Discussion

Considering the limited material resources of the owners of land shares and schools (even their complete absence) became the determining factors in the direction of the choice of lease relations for the transfer of land plots for lease to agro-formations. Almost 99% of the owners of shares in the early 2000s transferred the land for lease [51].

In fact, after the publication of the decree of the President of Ukraine dated December 3, 1999, № 1529 "On urgent measures to accelerate the reform of the agrarian sector of the economy" [17], the stage of the formation of lease relations by peasants began, who received the right to a land share and again agricultural formations that were created based on reformed collective agricultural enterprises. As a result of the reform of 10,833 collective agricultural enterprises, 14,241 agricultural enterprises with a new legal status were created in 2000 based on a private and private lease property. The largest share of newly agricultural formations was occupied by economic companies, mainly limited liability companies – 6,761, which was 47.5%. These societies were based on the private property of individuals. In turn, the company, on the basis of lease agreements, used the land and property shares of the former members of the reformed CAE. In addition, 2,901 private enterprises (20.4%) were established [19].

The collective form of management remained attractive [54]. However, it differed from the CAE, which became agricultural production cooperatives based on the share participation of former members of the reformed CAE, who contributed their property shares to the authorized capital of the production cooperative and leased the land shares to an enterprise created by them. In 2000, 3,325 (23.3%) agricultural production cooperatives were created in this form of management [55]; 1,254 (8.8%) farms were created on the basis of the reformed CAE. At the same time, it should be noted that most of the enterprises on lease relations continued to use the land tracts of the former CAE with the only difference that up to 80% of the agricultural land used was rented by the owners of shares, and 20% was state-owned land [56].

Due to the formation of a highly competitive environment for the use of arable land, especially in the last ten years, they cause an increase in the average rental rate at which the owners of land shares transfer their plots for use [55].

So, if in 2000, when the payment for the lease of a land share was for a year from one percent, determined in accordance with the legislation of the cost of the leased land share, then the decree of the President of Ukraine No. 92 of February 2, 2002 "On additional measures for social protection peasants-owners of land plots and land shares" as amended by the decree № 725 of August 19, 2008, stimulated the increase in the amount of rent to the level of 3% of the value of the share [12].

Agricultural land resources are the main means of agricultural production. It is considering that the agricultural industry is a priority area for the development of the state's economy and has confirmed its leading positions in recent years [56]. Therefore, farmers' interest in expanding agricultural land use contributes to raising the demand for land lease, which in turn is reflected in an increase in the amount of rent for leasing land plots to peasants. At the same time, the absence of a legally defined land market, it is impossible to legally exercise one's right to alienate a land share (donate, sell, put up as an object of pledge) determines practically only one direction for owners of land shares – this is the transfer of a land plot for lease.

In our opinion, first of all, it is necessary to improve the mechanism for implementing state protectionism in the agricultural sector of the economy, i.e., to create a way of action of the subject of regulation, which is based on basic principles and functions, ensuring, with the help of certain forms, methods, and means, the effective functioning of the system of state protectionism to achieve the set goal and resolve contradictions.

Regulatory principles are of particular importance in the mechanism of state protectionism in the agricultural sector [1, 2, 6]. Their observance should ensure the avoidance of subjectivity during interference in the functioning of the market mechanism for regulating the economy and the coordination of the economic interests of market participants [65].

According to the above principles, state protectionism of the agricultural sector of Ukraine is carried out in the following areas:

- Price regulation;
- Financial and credit support;
- Tax incentives in the form of a fixed agricultural tax, as well as a special mechanism for the payment of value-added tax;
- Specialized support in certain areas and programs (development of farming, credit cooperation, crop production, animal husbandry, increasing soil fertility, agriculture in radiation-contaminated areas, etc.) [63].

State protectionism of the agricultural sector in Ukraine should be aimed at ensuring the profitability of land and production, which will ensure expanded reproduction, the creation of favorable social conditions for the life of rural residents and the improvement of the well-being of their families, the formation of prerequisites for the preservation and comprehensive development of rural areas, meeting the needs of the population of Ukraine in quality and affordable food, expanding the country's export potential.

## 6 Conclusion

Summing up, it is worth noting that the development of agriculture and rural areas, in which agriculture usually develops most often, where it can be diversified through processing enterprises of rural, green tourism, will depend on how land reform is taking place in Ukraine. To a greater extent, this is a factor in increasing the number of jobs, developing rural infrastructure, building social facilities, cultural enrichment, etc. It should be clearly noted that the owner of the earth is the one who processes it, preserves its properties, and protects it. This is usually the one who is interested in dogma – the peasant [62]. Therefore, in the land reform, it is necessary to clearly define the peasant's place as an agricultural producer, its importance in reform and prospects, and how land reform will affect rural areas' development.

Engaging in any kind of economic activity in the village (agricultural production, processing of agricultural raw materials, rural green tourism, trade, and so on, using land resources, a villager has the right to be not only protected by law but also to feel responsible to society for their activities [57].

The restoration of rural areas, the return of young people to the village, will also depend on the successful solution of the issue of step-by-step reform of the land market in the form that it is at the present stage and in further development.

The Ukrainian land is a national wealth, which determines the Ukrainian culture, way of life, and customs. For a long time, the cult of the land, religion, and honor of the land directed Ukrainians towards raising their children in a special relation to the land and what comes out of it [55]. The land is the basis of the Ukrainian peasantry, its self-determination, meaning, and culture [56]. The culture of respect for the land should be further nurtured, as and when it was brought up from generation to generation.

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**Primary Paper Section: A**

**Secondary Paper Section: AG, AH**