

REVIEW OF SCIENTIFIC AND LEGISLATIVE APPROACHES TO THE DEVELOPMENT OF THE CONCEPT OF «RURAL AREAS»

**N.O. MARTINOVA, *post-graduate student*¹,
*National University of Life and Environmental Sciences of
Ukraine***

Scientific, legal and legislative approaches to understanding the concept of «rural areas» are studied through the prism of semantically similar concepts.

Rural area, countryside, rural settlement network, rural-type settlement.

Recently, the concept of «rural areas» has been widely used in the scientific literature, although a highly specialized approach still prevails in determining its nature and content, i.e. each scientific discipline outlines a specific research field for the definition of the concept of «rural areas».

Development of the national legislation on agriculture in the field of regulatory support of sustainable development of rural areas is impossible without comprehensive studies of said issue in the domain of agricultural, land and environmental law of Ukraine. The scientific research of scholars who have studied the theoretical and practical issues of legal regulation of sustainable development of rural areas is of great importance for understanding the legal nature of the notion of rural areas. Particular attention is drawn to the works by O.V. Hafurova, V.M. Yermolenko, P.F.

¹ Thesis supervisor– doctor of legal sciences, professor V.M. Ermolenko

Kulynych, A.M. Stativka, V.Yu. Yurkevych, A.I. Farshatov, and M.V. Shulha, who focused on specific issues of rural areas.

The aim of the study is to carry out a comprehensive analysis of scientific and legal approaches to the development of the concept of “rural area” through the prism of semantically similar concepts.

It is appropriate to begin the study with defining the concept of “area” which etymologically originates from the Latin word “land”, although it is interpreted in too many ways. The applicable Land Code of Ukraine does not define the concept of “area”, despite the fact that this notion is used in different interpretations in the Code. Article 1 of the Law of Ukraine “On Territory Planning and Development” dated April 20, 2000, defines an area as the earth`s surface within certain boundaries (borders) with its inherent geographical location, natural and anthropogenic conditions and resources, as well as airspace and subsoil below. However, it is a merely geographical definition. According to Yermolenko (2010), area is a quantitative and qualitative concept, whose quantitative component includes geographical coordinates of residence of a certain person (persons) and the balance of natural and artificial factors forming the environment, whereas qualitative component presupposes the level of compliance with standards of comfort in everyday life (p. 53).

Ukrainian legislation does not cover the concept of “rural areas”, but applies such notion as “rural region” when referring to a region in which the proportion of persons employed in agriculture exceeds the proportion of persons employed in industry (The Procedure for Monitoring Social and Economic Development Indicators).

“Rural area” is a multidimensional concept, and each scientific study (economics, sociology, ecology, geography, public administration, etc.), when formulating its conceptual basis, emphasizes those aspects that are examined by a certain scientific study. While defining the notion of a rural area, it is necessary not to relate those areas exclusively to agricultural

production. It is required to explore more widely the nature of rural territorial units based on the totality of the elements inherent in the system “rural area”. They combine natural, social, industrial and economic and political components managed by authorities, businesses and the public.

According to Yurkevych (2010), a rural area can be construed as an area beyond the territory of cities, which is comprised of rural-type settlements and mainly areas of agricultural production and rural development (p. 25).

Multidimensional understanding of the concept of a rural area is presented by Yermolenko (2010), who defines it as spatial and geographical habitat and the place of production activities of the population whose members in their vast majority are engaged in agricultural production and which is organized mainly within the boundaries of a separate rural-type settlement with a village council acting as its territorial governing body; a rural area is also defined by this scholar as a territory where production and recreational resources are located, which resources are necessary for the viability of rural population and agricultural activities in this area (p. 54).

Such concepts as countryside, rural district, rural region, rural community, rural settlement network, rural-type settlement, etc., border on the concept of “rural area”. Said notions have already been used in global science and practice and have extensive scientific and practical implications, although in our country, they have not been widely used yet.

In terms of semantics, the notion of “rural area” is most similar to the notion of “countryside”. Thus, legislation of the European Community defines the term “countryside” (territory) as a territory located far from the centers of economic activity and experiencing certain difficulties as regards obtaining by its population of the required economic and social benefits (as cited in Zinchuk, 2008, p. 177). Therefore, a rural area and countryside are

interpreted identically. In this case, the basic characteristic feature of this area is the availability of social welfare services for the population.

In Ukraine, regulatory acts do not exhibit terminological and conceptual unity in defining rural areas (or countryside). Thus, in the list of concepts and terms of the Law of Ukraine "On Agricultural Advisory Services" dated June 17, 2004, No. 1807-IV, countryside is defined as a territory outside cities which is predominantly the zone of agricultural production and rural development. The relevant regulations and legislative acts covering the above issue are as follows: the Decree of the President of Ukraine "On State Support of Training Specialists for Rural Areas" dated March 19, 1999 No. 262/99, the resolutions by the Cabinet of Ministers of Ukraine "On the Resettlement of Families in Rural Areas and Organized Recruitment of Workers" dated October 11, 1991 No. 253, and "On Approval of the State Target Program for the Development of Ukrainian Village until 2015" dated September 19, 2007 No. 1158 (wherein such terms as countryside and rural areas are identical), the Resolution of the Verkhovna Rada of Ukraine "On Recommendations of the Parliamentary Hearings on "Education in Rural Areas: Crisis Tendencies and Ways of Overcoming Them" dated June 7, 2012 No. 4949-VI, etc.

Rural settlement network is one of the elements of the rural area. According to the Article 1 of the Draft Law of Ukraine "On the Organization of a Rural Settlement Network, Deepening of the Principles of Local Self-Government in Rural Areas and Promotion of De-urbanization in Countryside" (2008), a rural settlement network is a range of settlements located in countryside which are interconnected by roads, communications facilities and other communications necessary for the population living and carrying out industrial and economic activities. According to Hafurova (2010), a rural settlement network includes not only rural-type settlements, but also villa and horticultural societies, detached houses, and cottage

villages built specifically for the purpose of permanent residence of the owners of cottages, which are especially popular today (p. 76).

The issue of the definition of such notions as “rural-type settlement” and “rural community” has been duly addressed by O.P. Anisimov, O.V. Hafurova (they do not distinguish between rural communities and rural-type settlements), and V.M. Yermolenko who proposes to define a rural community as a separate municipal (administrative) unit in countryside which combines the area and population of one or several urban-type settlements. In this case, the boundaries of rural communities should coincide with the boundaries of the relevant territories of rural Councils acting as bodies of local self-government of communities. The availability of a local governmental body serves as the criterion of distinction between a rural community and a rural-type settlement (“Legal Aspects of the Concept of “Rural Community”, p. 70).

The provisions of the Land Code of Ukraine do not contain the term “community”. Other relevant laws do not make extensive use of said concept as well. In particular, the term “rural communities” is used, although not defined, in the text of the State Target Program for the Development of Ukrainian Village until 2015, approved by the Resolution of Cabinet of Ministers of Ukraine dated September 19, 2007 No. 1158, and is contained and construed in legislation on construction, particularly, in such State Construction Norms as ДБН Б.2.4-2-94 “Types, composition, procedure for the development, coordination and approval of urban construction documents for rural communities”, ДБН 360-92 “Urban planning. Planning and development of urban and rural communities”, and ДБН Б.2.4-1-94 “Planning and development of rural communities”. However, paragraph 1.4 of the latter State Construction Norms, i.e. ДБН Б.2.4-1-94, provides that rural communities and rural-type settlements are identical concepts.

Summarizing the foregoing, we should emphasize that “rural area” is a complex and multifaceted concept, since its constituent elements are rural settlement network, rural communities, inter-village areas, rural-type settlements, etc. The main functions of rural areas are the industrial, recreational, political, socio-demographic, spatial and communication, ecological functions, as well as social control over the territory.

Thus, rural area is a complex multidimensional social, industrial and ecological system with its spatial and geographical environment, whose population is engaged in its vast majority in agricultural production, which is organized mainly within the boundaries of a separate rural-type settlement with its own representative body of local self-government (village council) and serves as a space to locate industrial and recreational resources that are necessary for the well-being and development of the population that lives in this area.

References:

1. Hafurova, O.V. (2010). Rural settlement network: Concept, composition, problems of formation. Scientific Bulletin of the National University of Life and Environmental Sciences of Ukraine, 156, 75-82.
2. Yermolenko, V.M. (2010). Peculiarities of formation of the category of “sustainable development of rural areas”. Scientific Bulletin of the National University of Life and Environmental Sciences of Ukraine, 156, 50-59.
3. Yermolenko, V.M. (n.d.). Legal aspects of the concept of “rural community”. Retrieved from <http://www.nbuu.gov.ua>
4. Zinchuk, T.O. (2008). European integration: The problems of adaptation of the agricultural sector of economics. Zhytomyr: State higher educational establishment “State University of Agriculture and Ecology”
5. Yurkevych, V.Yu. (2010). On the category of “sustainable development of rural areas”. The International Scientific and Practical

Conference on Modern Land, Agricultural, Environmental and Natural Resources Law: Current Problems of Theory and Practice. Bila Tserkva: BNAU.

6. The procedure for monitoring social and economic development indicators of regions, districts and cities of regional, republican in the Autonomous Republic of Crimea significance for the recognition of areas depressed, as approved by the Resolution of the Cabinet of Ministers of Ukraine dated March 2, 2010 No. 235 (n.d.). Retrieved from <http://zakon.rada.gov.ua>.

7. Draft Law of Ukraine "On the Organization of a Rural Settlement Network, Deepening of the Principles of Local Self-Government in Rural Areas and Promotion of De-urbanization in Countryside" submitted by the People's Deputy Yu.V. Odarchenko. Registration number 4028 dated February 5, 2008. Retrieved from <http://www.rada.gov.ua>