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### INNOVATIVE LAND TENURE IN THE PERIOD OF LAND REFORM

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*Tendencies of development of documentation on land management in carrying out land reform in Ukraine are shined. It is proved that the main problem in implementation of survey works is absence of innovative land management documentation, in particular land planning documentation, and projects of the organization of the territory..*

**Problem statement.** During the period of land reform in Ukraine have been significant changes in land relations, organizational, legal and organizational-territorial forms of land use and ownership of land, the number of landowners and land-users. They touched the limits of agricultural enterprises, media-resigned area, the system of areas, working on land protection. Since 2001, our country practically implemented forecasting, planning and organization of rational use and protection of land at the national, regional, local and economic levels, does not consist scheme land, land not developed projects to streamline existing landowning and land using and their land as innovative investment process.

Under these conditions becoming especially urgent development and implementation of science-intensive, environmentally safe and scientifically reasonable land management projects.

**Analysis of recent researches.** Coverage of Land Management in the implementation of land reform is devoted

to the work of such scholars as D.I. Babmindra, M.S. Bohira, V. Gorlachuk, D.S. Dobryak, P.G. Kazmir, A.G. Martin, S. Osypchuk, A.M. Tretiak et al. However, many of the investigated problem, instead creating outstanding facilities or require deeper scientific and methodological grounds.

**Article purpose** — to explore innovative problem developing documentation of the land during the land reform in Ukraine.

**Main material.** In 2001 the Parliament of Ukraine adopted a new Land Code of Ukraine [5], but in 2003 — Law of Ukraine «On Land Management» [4]. These fundamental documents identified fundamental legal and institutional framework for land use in the area aimed at regulating relations arising between public authorities, local governments, corporations and individuals in the process of sustainable land use. However earlier reform the existing system of land use, land redistribution led to negative effects on land use.

Because often hasty and disordered allocation of large areas of land from the

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former collective farms was almost destroyed previously existing system of territory and land use, and preferred the introduction of 2002 to 2009 (80%), short term (up to five years) for land parcels (shares) – stability and compact land use. Having through lanes, distortion and improper placement of limits, decreased efficiency of land use. Territory of agricultural enterprises and farms there are many other land holdings and land use. Remained unformed restrictions in land use and land easements, land is allocated with a special regime of use [1].

After the Decree of the President of Ukraine «On urgent measures to accelerate the reform of the agricultural sector» from December 3, 1999 almost up projects or land for newly restructured farms are not developed schemes of the territory of the village council, although everyone understands that economic efficiency rationale forming land farm income capitalization approach there is an urgent need to develop a system of crop rotation and crop rotation schemes compiling, organizing territory land rotation [2].

In Ukraine over the past decade have reduced the development of scientific-intensive, environmentally safe and scientifically sound land management projects. In particular, between 1991 and 2001 the proportion of developed land management projects to create new and manage existing land ownership and land use agricultural enterprises, farmers and farms was 5.3% (85 177 pcs.). And land management projects that provide environmental and economic justification rotation and streamline land – 0.05% (130 pcs.) of the total develop land management documentation in Ukraine. Land management schemes and technical feasibility study land use and protection of

administrative-territorial units developed only 0.05% (851 pcs.).

Not the best situation is found with the development of these projects has changed in the years 2002–2008. The share of developed land management projects to create new and improvement of existing land ownership and land use agricultural enterprises, farmers and farms was 0.64% (17,702 pcs.). And land management projects that provide environmental and economic assessment of crop rotation and streamline land – less than 0,01% (116 pcs.). Land management schemes and feasibility land use and protection of the administrative-territorial units were developed less than 0.01% (201 pcs.). This lack of land management schemes and feasibility studies land use and protection of the administrative-territorial units was the main cause of the chaotic land redistribution, failure coherence environmental, economic and social interests of society, the violation of ecological balance and stability of the environment and landscapes.

In fact, land surveying work was limited to drafting land use to land acquisition and technical documentation of the land in relation to the production of documents certifying the right-in the land. During the period from 1991 to 2001, they accounted for larger share of developed land management documentation – 86.25%, and from 2002 to 2008 – 88.96% (Table 1).

Thus, we can say that by the Law of Ukraine «On Land Management» of his main tasks: – a «realization of the state policy on science-based land redistribution, the formation of a rational system of land ownership and land use of the deficiencies in the arrangement of land, creating environmentally sustainable landscapes and

**1. Trends in implementation of land management activities  
on the types of land documents\***

Types of documentation from to organization of the use of land	Period from 01.01.1991 to 31.12.2001 year		Period from 01.01.2002 till 31.12.2008 year		As of 04.04.2012	
	quantity, units.	%	quantity, units.	%	quantity, units.	%
Land management schemes and feasibility rationale land use and protection of the administrative-territorial units	851	0,05	201	0,01	484	0,01
Land management projects on establishing and changing boundaries of administrative- territorial units	8314	0,52	3044	0,11	5253	0,10
Projects on land delineation of areas protected areas and other conservation purposes, recreational, recreational, historical and cultural	314	0,02	1791	0,06	708	0,01
Projects of Land Management lands on the formation of communal ownership of local communities and projects separation of state and municipal property settlements	38	–	965	0,03	352	0,01
Draft land use to land allocation	108 120	6,76	276 412	9,95	506 424	10,38
Projects on creation of new land and streamlining existing land ownership and land use	85 177	5,33	17 702	0,64	16 519	0,34
Land management projects that provide environmental and economic assessment of crop rotation and manage land	130	0,01	116	–	922	0,02
Projects Land to streamline the residential areas	1501	0,09	123	–	1685	0,03
Working draft land	15 204	0,95	6253	0,23	5746	0,12
Technical documentation of Land Management to set the boundaries of the land in situ (in place)	326 961	20,45	559 687	20,14	377 083	7,73
Technical documentation of Land Management to compile documents certifying the right to land	1 051 872	65,80	1 912 214	68,82	3 965 798	81,25
All	1 598 482	100,0	2 778 508	100,0	4 880 974	100,0

\* A table is made on operative information of State Agency for Land Resources of Ukraine.

agricultural systems; Organization territories farms with creating spatial conditions that ensure ecological and economic optimization of the use and protection of agricultural land, the introduction of advanced forms of land use management, improving value and location of land, crop rotation systems, grasslands and pasture rotations; development of conservation measures and improvement of natural landscapes, restore and improve soil fertility, reclamation and landing unproductive land, protect the land from erosion, flooding, draining, landslides, salinization and water-logging, compaction, pollution, industrial waste and chemicals and other forms of degradation, conservation on degraded and unproductive land, preventing other adverse events that are innovative in nature, are not met. [4] But in the same innovation and innovative development is the driving force that is able to provide capitalization land in Ukraine and to strengthen their role in the economy of our state.

Change the situation in the country became possible with the adoption by the Supreme Council of Ukraine of the Law of Ukraine «On amendments to some legislative acts of Ukraine on maintaining soil fertility» on June 4, 2009, which entered into force on 31 July 2010. This law provides that agricultural land for agricultural commodity production used under developed and approved in the prescribed manner of land management projects that provide environmental and economic assessment of crop rotation and manage land and provide for measures to protect the land [3].

The use of agricultural land for agricultural commodity production without approved as prescribed by law, land management projects that provide environmental and economic assessment of crop rotation and streamline land pulls a fine on citizens

from fifty to one hundred non-taxable income and on officials — from three hundred to five hundred non-taxable income.

For the period before January 1, 2015 for the use of agricultural land for commodity of agricultural production under developed and approved in the prescribed manner of land management projects that provide environmental and economic assessment of crop rotation and manage land, apply only to those landowners and land users who use the land plot of agricultural land for the first commodity agricultural production area of more than 100 hectares, and after 01.01.2015 year — by all owners and land users, leading commodity agricultural production.

In connection to the Ukraine in 2012, significantly increased the amount of developed land management projects that provide environmental and economic assessment of crop rotation and manage land and land management schemes and feasibility studies land use and protection of the administrative-territorial units (Table 2).

Development of land management projects that provide environmental and economic assessment of crop rotation and land improvement allows the organization to carry out land ownership and land use allocation of rotation based on environmental, economic conditions and establishment of necessary engineering and social infrastructure, as well as to determine the types and kinds of crop rotation including agricultural specialization production, to make schemes alternation crop rotation and crop rotation design field. In the process of solving all these issues simultaneously solved the problem of rational use and protection of land. In addition, the correct scientifically sound production organization allows businesses to obtain maximum profit while minimizing costs.

**2. Information about the presence of materials in the State fund of documentation from organization of the use of land on Ukraine by the state on in 04.04.2012\***

Administrative-territorial units	Land management schemes and feasibility studies land use and protection of administrative formations	Projects on creation of new land and ordering existing land ownership and land use	Land management projects that provide environmental and economic justification rotation and streamline land
AR Crimea	1	28	0
Areas			
Vinnytsya	0	754	21
Volyn	0	266	0
Dnipropetrovsk	28	298	67
Donetsk	191	3277	16
Zhytomyr	2	754	9
Zakarpattia	0	3	0
Zaporizhya	90	317	118
Ivano-Frankivsk	3	7647	95
Kyiv	22	6	3
Kirovohrad	2	330	164
Luhansk	6	37	28
Lviv	7	430	20
Mykolaiv	58	12	2
Odesa	5	234	72
Poltava	2	130	2
Rivne	3	257	219
Sumy	32	670	8
Ternopil	0	0	0
Kharkiv	24	263	46
Kherson	0	519	12
Khmelnysk	0	7	16
Tcherkasy	0	168	1
Chernivtsi	1	66	1
Chernihiv	2	46	0
City of Sevastopol	5	0	2
All	484	16 519	922

\* A table is made on operative information of State Agency for Land Resources of Ukraine

Scientists have estimated that if full development zone science-based crop rotation in combination with other technological measures can improve the performance by 40–50% land, ensuring the protection of soil and environmental conservation.

It should also be borne in mind that in today's financing of land management projects has changed. Because projects are land investment and determine the best ways a new approach to economic justification. Thus, there was need to improve the economic and investment

significance of land, increasing its agro-ecological, landscape and ecological and environmental role.

**Conclusions.** During the land reform in Ukraine lost innovative investment destination, particularly regarding zoning according to their categories, organize residential areas and farms of the territory, environmental and economic feasibility of land and crop rotation. Thus, documentation of land use as innovation orientation in 2012 was only 0.4% of the total work.

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*Висвітлено тенденції розроблення документації із землеустрою у період проведення земельної реформи в Україні. Обґрунтовано, що головною проблемою у здійсненні землеупорядних робіт є відсутність інноваційної землеупорядної документації, зокрема планувальної землеупорядної документації, та проектів організації території.*

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*Освещены тенденции разработки документации по землеустройству в период проведения земельной реформы в Украине. Обосновано, что главной проблемой в осуществлении землеустроительных работ является отсутствие инновационной землеустроительной документации, в частности планировочной землеустроительной документации, и проектов организации территории.*