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CONCEPTUAL AND TERMINOLOGICAL APPARATUS OF LAND USE AT THE LOCAL LEVEL

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It is worth considering that the conceptual and terminological apparatus is an integral part of any scientific field. However, in the context of land use at the local level, especially when considering problems that intersect geography, earth sciences, ecology, agriculture, economics, jurisprudence and other related fields, the relevance of the issue of conceptual and terminological apparatus becomes very obvious. The peculiarity of this field is that its research has a direct applied nature, which requires a deep understanding and definition of certain scientific concepts. The set of these scientific concepts constitutes the conceptual and terminological apparatus that defines the structure and language for further research in the field of land use. In our scientific study, we highlighted the main approaches to defining the category “land relations”. These approaches are primarily, as is known, based on three key terms: ownership, use and disposal of land plots. However, an important concept in our study of the field of land use is the very concept of “land”, which, together with its derivatives, such as “land relations”, “land resources”, “land management”, “land management”, “land use”, “paradigm of land management”, forms a complex conceptual and terminological apparatus, which is currently in an active process of formation. The results of our study of the essence of the conceptual and terminological apparatus related to “land relations” provide grounds for the assertion that land relations have an objective nature and are a socio-economic and ecological process of ownership, use and disposal, which determines the novelty and relevance of our research.

Key words: landscape, land, land relations, land resources, land management, land management, land use, land management paradigm.

Сопова Н. В. Понятійно-термінологічний апарат землекористування на місцевому рівні

Варто враховувати, що понятійно-термінологічний апарат є невід’ємним складником будь-якої наукової галузі. Проте у контексті землекористування на місцевому рівні, особливо під час розгляду проблем, що перетинають географію, науки про Землю, екологію, сільське господарство, економіку, юриспруденцію та інші суміжні галузі, актуальність питання понятійно-термінологічного апарату стає вельми очевидною. Особливість цієї галузі полягає у тому, що її дослідження мають безпосередній прикладний характер, що вимагає глибокого розуміння та визначення окремих наукових понять. Сукупність цих наукових понять саме і становить понятійно-термінологічний апарат, що визначає структуру і мову для подальших досліджень у сфері землекористування. У нашому науковому дослідженні ми висвітлили основні підходи до визначення категорії «земельні відносини». Ці підходи передусім, як відомо, базуються на трьох ключових термінах: володіння, користування та розпорядження земельними ділянками. Проте важливим поняттям у нашому дослідженні сфери землекористування є саме поняття «земля», яке разом з його похідними, такими як «земельні відносини», «земельні ресурси», «землеустрій», «управління земельними ресурсами», «землекористування», «парадигма землеустрою», формує складний понятійно-термінологічний апарат, який нині перебуває в активному процесі формування. Результати нашого дослідження суті понятійно-термінологічного апарату, пов’язаного із «земельними відносинами», дають підстави для твердження, що земельні відносини мають об’єктивну природу і є соціально-економічним та екологічним процесом володіння, користування і розпорядження, що і зумовлює новизну та актуальність нашого дослідження.

Ключові слова: ландшафт, земля, земельні відносини, земельні ресурси, землеустрій, управління земельними ресурсами, землекористування, парадигма землеустрою.

Analysis of research and publications. Questions of theoretical and methodological aspects, as well as the content of the concept of “land management” were the subject of research by numerous domestic and foreign scientists. Among them, such researchers as D. Babmindra, V. Vyun, V. Horlachuk, D. Hnatkovich, D. Dobryak, M. Laveykin, L. Nowakovskiy and others can be singled out, who conducted an analysis of the conceptual apparatus of the land resources management system and studied in detail the characteristics of the processes taking place in this field of activity. Such researchers as V. Bokolag, O. Botezat, V. Drugak, M. Kovalskiy, R. Kuryltsev, Yu. Lytvyn, O. Mordvinov, A. Merzlyak, O. Okhrii, made a significant contribution to the development of certain aspects of land management. V. Peresolyak, O. Pronina, G. Sharyi, O. Chebotaryova, V. Chuvpylo, V. Tsyplukhina, A. Yurchenko and others. Economists-land planners such as I. Bystryakov, V. Budziak, Yu. Dekhtyarenko, Y. Dorosh, O. Dorosh, V. Horlachuk, I. Koshkalda, L. Nowakovsky, A. Sokhnych, A. Tretyak, M. Fedorov and others also revealed the theoretical and practical principles of land management in their scientific works.

Introduction. An important factor in the development of any scientific theory is the formation of a clear conceptual and categorical apparatus, an unambiguous interpretation of the relevant concepts and categories [1]. Scientific research is no exception, in particular in terms of land use problems at the local level, which are on the borderline of geographical, agricultural, environmental, economic and legal sciences. The applied nature of this field determines the peculiarities of the interpretation of certain

scientific concepts, which we explain below. Taken together, they form a conceptual and terminological system of research. One of the groups of scientific concepts related to the problem of land use is those that have a word element related to land as one of their roots – “land...”. This is perhaps the most numerous group, because land use is the object of land management and is one of the objects of land management. The other group covers more general concepts that are common to both land management and land administration. Currently, scientific research in the field of environmental economics and, in particular, the implementation of land use policy at the local level has gained significant development in Ukraine. In view of this, the problem of improving the existing terminology in this field of knowledge is becoming particularly relevant.

Results and discussion. Land use governance is understood by scientists as “...the rules, processes and structures by which decisions about access to and use of land resources are made, the means used to implement and enforce such decisions, and the ways in which competing interests in land use are managed” [2].

Governance can be used in several contexts, such as “corporate governance”, “international governance”, “national governance” and “local governance” [3]. The government is only one of the players in governance. Other players involved in the governance process depend on the level of governance. Among them may be farmers, research institutions, political parties, etc.

Effective management [4; 13] is based on the following components (Figure 1).

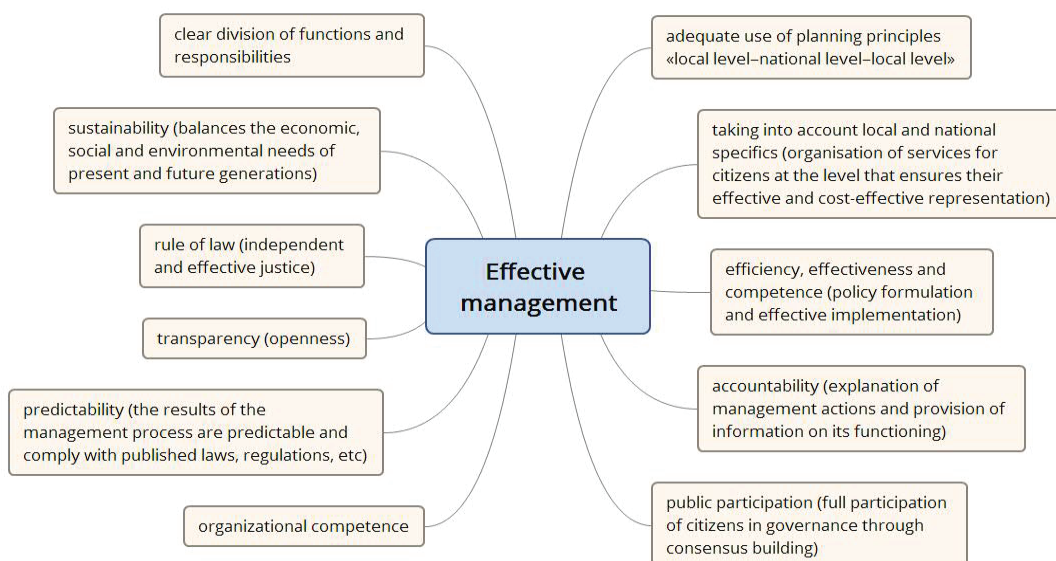


Fig. 1. Effective management

Management largely determines the results of economic and social development, as well as activities in the field of land protection.

Ineffective governance leads to the actualization of economic and environmental issues, and this, in turn, leads to social tensions and reduced ability to solve common problems.

Land governance, in turn, refers to the rules, processes and structures through which decisions about land use and control are made, and how they are implemented and enforced, taking into account competing interests. It includes state structures such as the state agency for land resources; courts and ministries responsible for land use, as well as other stakeholders.

Land management involves decision-making, implementation, conflict resolution and includes closely related activities to manage land and natural resources for sustainable development. "...Land management is the process of using land resources with the best effect" [5].

In this context, it is necessary to consider the paradigm of land use management. Land use management is considered through land policy, land information infrastructure and land administration functions in ensuring sustainable development. And the paradigm of land use management (Figure 2) is the cornerstone of the modern theory of land administration, in which land relations, evaluation, use and development of land are considered holistically as special and ubiquitous functions represented by organized society [6].

According to the paradigm, each country defines and adopts its own land policy and uses a variety of functions and methods to manage land resources. In theoretical terms, the paradigm identifies the principles and processes that define "land governance".

The essence of the paradigm is that the correct construction of land use management components will allow the implementation of national land policy, and the interconnection of its elements will contribute to sustainable development.

Land resources, in terms of their use, are necessary in various sectors of the economy. The determining role of land in relation to other components of nature is due to its unique functions. Land, as a biological component, is the basis of human life, a source of satisfaction of its basic needs, a necessary condition for existence. In the ecological aspect, land is the defining link of all terrestrial biocenoses and the biosphere of the planet as a whole.

Given the important socio-economic and natural-environmental importance of land resources, the problems of theory, methodology and practice of land relations development are widely reflected in the scientific works of domestic and foreign scientists. Such researchers as V. Diesperov [7], G. Dudych [8] devoted their works to a set of issues on the theoretical substantiation of the implementation of land use policy; methodological principles of land use efficiency and their evaluation are developed by V. Mesel-Veseliak [9]; foreign experience in the transformation of land relations is the subject of study by O. Lazareva [10]; problems of public regulation of land relations were raised by O. Pronina [11] and others.

Among the scientists who laid theoretical and practical aspects of land use policy development, it is worth noting the classics of economic thought: V. Petty, F. Kene, A. Turgot [12] and others.

Availability of agricultural land is one of the components of economic and social well-being of the population of each country. At the same time, there are scientific views that the provision of natural resources, in particular agricultural land, is not a pre-

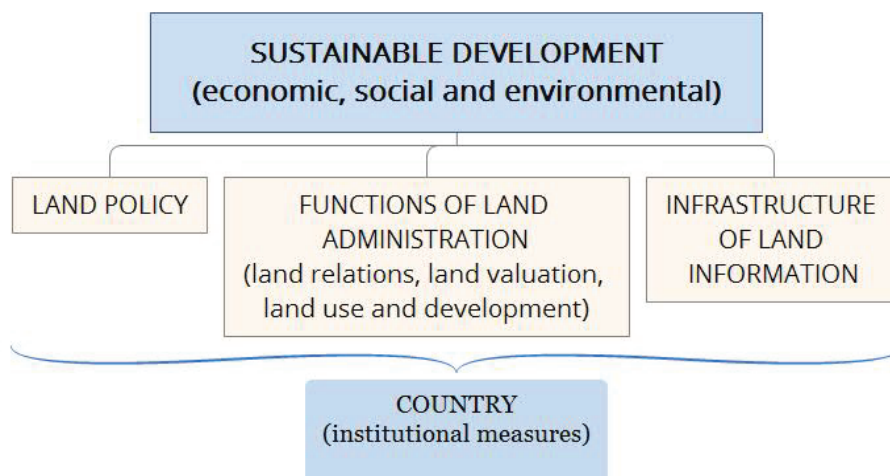


Fig. 2. Land use management paradigm

requisite for the economic development of the state, because everything depends on the efficiency of its use.

Historical experience shows that social progress and economic development are highest when socio-political and economic transformations are harmoniously combined with the rational use of natural resources.

A. Smith argued that nature works together with man, and although this work has no costs, its product is as valuable as the product of skilled workers. At the same time, as soon as land and other natural resources become private property, the manager of agricultural land receives rent – payment for the right to use the asset [14].

The scientists studied various aspects of land use, management and ownership (Figure 3).

The key element of land relations is agricultural land – the basis of the economic potential of the country, which plays a crucial role in the development of agricultural production and providing the population with the necessary food. At the same time, economists have different views on the definition and role of land resources in the context of rapid changes in market conditions, corporatization of agricultural business and expansion of economic activity. A person without land cannot create, because it is the material on which and with the help of which products are created – the results of his activity.

Agricultural land has always been and remains a necessary condition and component of the process of reproduction of material values, including those that are not directly created in agriculture. Domestic scientists call land resources a factor of socio-economic development and a basis for the expanded

reproduction of national wealth. At the same time, the issue of ensuring effective land use, ownership and disposal, establishing relations between owners of agricultural land and tenants is debatable.

Forming the main approaches to the definition of the category “land relations”, economists mostly use the triad of concepts: land ownership, use and disposal (table 1).

Land relations provide for the ownership and use of land as a means of production, are an element of the production relations of society and are based on the forms of ownership of land and means of production. Land relations are social relations that develop between subjects of activity in the management of the land fund through the use, disposal and ownership of land as an object and subject of agricultural activity [2].

The development of land use policy involves changes in the relationship between land owners, enterprises, organizations, institutions, public authorities and local self-government bodies and citizens regarding the ownership, use, disposal and management of land, subject to public regulation and promotion of scientifically sound land use. Such transformations are taking place to adapt to the global competitive environment and are focused on systematic solution of existing economic, environmental and social problems of land use. The main subjects of land relations are the owner, land user and tenant (Figure 4).

A component of land relations is land tenure – a form of ownership that allows actual power over the land [2].

The right of ownership is an unlimited in time belonging of a resource to a certain entity, its actual

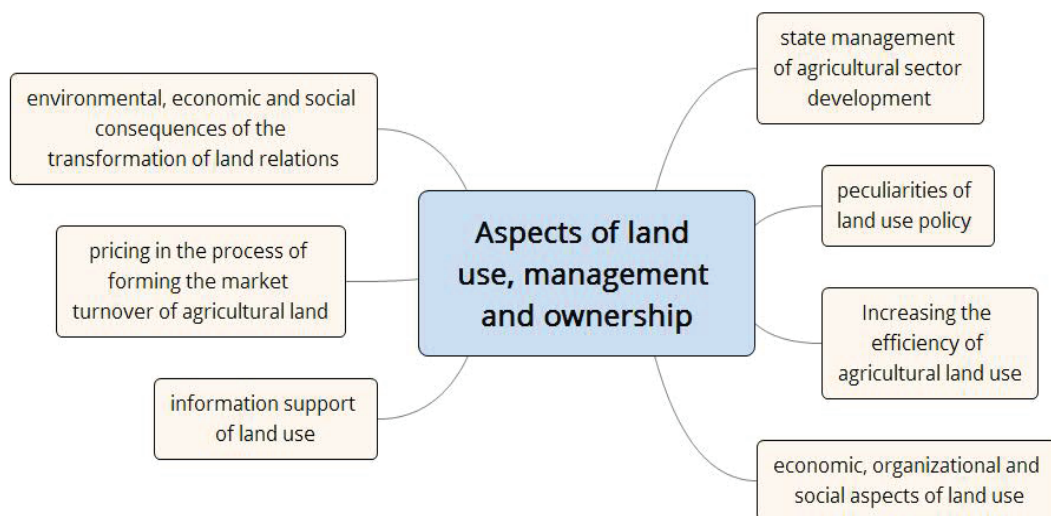


Fig. 3. Aspects of land use, management and ownership

Table 1

Main approaches to the definition of the category “land relations” [1]

Author	Interpretation of the concept
D. Dobryak	Social relations that develop between economic entities as a result of land fund management through the use, disposal and ownership of land as an object and subject of agricultural activity, which is under the influence of regulatory organizational and economic mechanisms.
V. Zayats	Forms of land management that largely depend on the forms of land ownership and are characterized by a system of political, socio-economic, legal and administrative measures aimed at organizing land use.
V. Kaminsky	The element of production relations of society, which provides expanded reproduction, is the main and irreplaceable component of the systemic development of rural areas.
O. Lazareva	Relations concerning the correct distribution of production results obtained in the process of using land resources in agricultural activities.
L. Melnik	Relations in the field of ownership and use of land as a means of production, an integral element of production relations of society.
M. Fedorov	Social relations regarding the ownership, use, distribution and management of land at the state, economic and on-farm levels as an object of management and a means of production in agriculture.
V. Chudovska	A complex of social relations at different levels of the management hierarchy (national, regional and local) regarding the ownership, use and disposal of land as an economic object and the main means of production.

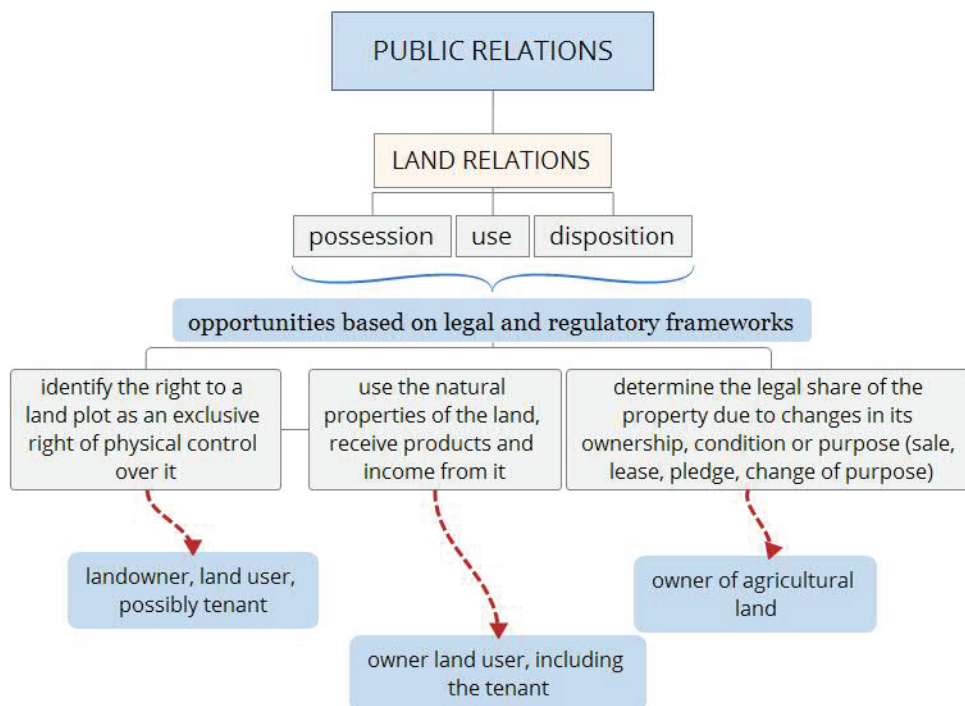


Fig. 4. General scheme of land relations in the agricultural sector of the economy [15]

domination over the property. Land ownership has certain peculiarities related to the specifics of agricultural activities: limited space, separation of land from the environment, close relationship with other components of nature, impossibility of withdrawal and transfer to another place, the ability of soil cover to self-development and self-renewal as

a biological system and means of production [2].

Various definitions of the concept of land ownership are known in domestic and foreign economic literature. In the field of land relations development, it gives grounds to define land tenure as the right of the owner to carry out economic activities on the land plot and extend his power to all other

persons, eliminating them from appropriating its useful properties [16].

The right to ownership provides for the freedom guaranteed by the constitution, which consists in the possibility and ability of a person to acquire ownership of a land plot in accordance with the functional purpose in certain sizes, as well as to occupy it in the process of performing legal actions to establish boundaries on the ground in the prescribed manner [17].

According to the theory of neoclassicism of J. F. Muth, "...land tenure is a legally secured possibility of economic domination of the owner over the thing or a conscious guaranteed opportunity to have the thing under his domination" [18].

Thus, the definition of the right of ownership includes two criteria: actual – the ability to have a thing under one's domination in Roman law and volitional – awareness of the possibility and desire to dominate the thing in one's own interests. The research of these issues has been particularly intensified in the agricultural sector in the context of developing a mechanism for the introduction of the agricultural land market.

The specificity of agricultural land as an object of ownership is that the land plot, on the one hand, "by definition" cannot be moved in space, on the other hand, "actual domination" over the land plot is conditional. This conditionality was recognized by Roman civil law, according to which possession could be held without actual domination, only by will in the absence of the owner [19]. The most acceptable use of the category of "land tenure" is its definition as the actual possession of land on a regulatory basis, which determines the relevant rights and obligations of landowners, and which is based on the actual availability of land and a certain social form of ownership.

Agricultural land may be in private, state and communal ownership. Subjects of the right of communal ownership of land plots are territorial communities that exercise this right directly or through local self-government bodies. The subject of state ownership of land is the state, on behalf of which the relevant state authorities act. The relationship between the forms of ownership of agricultural land tends to change as a result of historical events, the formation of the political system and the specifics of land reforms, which have their own characteristics in each country.

Land use is considered the primary form of land relations, which gives the right to use the land plot for personal purposes of the user and to appropriate the results of economic activity. It is defined in three aspects [20]:

– firstly, the use of land in accordance with the procedure established by law;

– secondly, the use of the unified land fund provided by the state or acquired in ownership or lease for economic or other purposes;

– thirdly, the object of economic, environmental, urban planning, agricultural and other land relations, for which the land user has been issued a document certifying the right to land with defined boundaries, area and composition of property objects.

The absence of one of these components casts doubt on the legality of land use. The right of land use allows to dispose of the land plot that is owned and provided for permanent use or lease. At the same time, the specifics of land use depend on the type of economic activity, legal regulation in the country and material and technical support of producers.

According to the economic and philosophical definition, "...land use is a system-forming, infrastructural category, which is associated with the creation of conditions necessary for the implementation of industrial, commercial, social and environmental activities" [6]. Any objects of land use are intended to serve very specific needs, in particular – to ensure agricultural production, industrial and civil construction, recreational activities, placement of infrastructure facilities, etc. From the financial point of view, land is the main asset of an agricultural enterprise, a prerequisite and necessary component of the organization of effective activities in the current and future period. Land use as an ecological system is a territorial complex of optimal interrelations of soil, organisms and atmosphere through the composition and structure of land, the system of organization and methods of use of land and other natural resources in a certain territory.

Land use can be permanent, without a predetermined period, and temporary, with a certain period of time. Temporary use is divided into short-term – up to 3 years, medium-term – up to 25 years and long-term – over 25 years. If necessary, these terms may be extended with the consent of the owner of the land plot and the lessee.

One of the types of temporary use of land is lease, that is, the transfer of land by one legal entity or individual for temporary use to another for an appropriate fee under the contract.

G.I. Shary, substantiating the institutional principles of agricultural land lease, calls the lease the payment received by the landowner for the land given for a certain period of time [21]. "...The source of rent is the income received by the lessee as a result of farming on the land involved. Part of this income is appropriated by the tenant and part is paid to the landowner in the form of rent. Land can be provided for grazing, haying, gardening, state and public needs. Terms and conditions of land use and rent are determined by agreement of the parties" [22]. After the expiration of the land lease term, the lessee has a preemptive right to renew the contract and obtain the leased land into private ownership.

Substantiating the concept of multifunctional land use as a strategic direction for the development

of an integrated management system, V. Lavruk notes that the issue of the formation of sustainable ecological land use of agricultural enterprises is of great importance in the process of intensification of production [23]. At the same time, the application by the state of measures of environmental impact on entrepreneurs-landowners and land users should be in harmony with the action of general market mechanisms – only in this combination will be the maximum effect both in the field of agricultural production and in the field of environmentally safe and rational use and protection of land.

An important place in the categorical apparatus belongs to land disposal – a legally guaranteed opportunity to determine the fate of a land plot taking into account the requirements of its intended use. The order allows the owner to alienate a plot of land belonging to him, as well as to transfer it for temporary use to another person, pledge it, donate it, leave it as an inheritance. Only its owner is the land manager. The study of the peculiarities of agricultural land management has intensified in connection with the formation of the agricultural land market and is reflected in the scientific works of V. Boklag [15; 24; 1; 25] and others.

Reforming the agrarian sector of the economy involves the transformation of land relations to a market type, the final stage of which should be the formation of an agricultural land market, granting land owners the right to dispose of them. At the same time, land management is interpreted as the possibility of making planning and management decisions on the functioning and implementation of the property, which is carried out by the owner or delegated by him to another economic entity.

Despite the fact that land relations are one of the most controversial and politicized issues of Ukraine's agrarian policy, which has been the subject of disputes for two decades, there is no consensus on the mechanism of market turnover formation. Views on the solution of this problem are different – from the formation of an exclusively land lease market to the removal of any restrictions on the transfer of ownership of agricultural land. At the same time, it is undeniable that the actual realization of the rights of ownership, use and disposal is possible only in the conditions of functioning of the land market with appropriate infrastructure and institutional support. The lack of private ownership of land reduces its efficient use and slows down the intensification of production in the agricultural sector.

The ban on the sale and purchase of agricultural land deforms the nature of private land ownership: legally it exists, but economically it does not work. The owner cannot use the land as a tool to attract loans and investments. Since there is a moratorium on the sale of agricultural land, it cannot be offered as collateral, which complicates the possibility of

additional investment in the production process.

P. Sabluk believes that it is impossible to radically improve the situation in the countryside and in the food sector without the introduction of a market mechanism for land turnover in the agricultural sector and their inclusion in the authorized capital of agricultural enterprises [26]. The scientist argues that the concept of land marketability is determined not only by the process of its sale and purchase, but also by establishing the value and price of the resource, providing the owner with the opportunity to dispose of the land plot. Underestimation of the importance of one of the main factors of production in the economic turnover is one of the reasons for the unprofitability of many enterprises.

Further development of land use, ownership and disposal depends on the effectiveness of the use of instruments of administrative and legal, financial and economic, organizational and social and psychological regulation of land relations.

This position is supported by a significant number of theorists and practitioners in the field of land relations development.

Substantiating the strategic vectors of land relations development, not all scientists are unanimous in the statement that private land ownership is a prerequisite for bringing agriculture out of the crisis. It is not necessary to own land to effectively use and dispose of it [19].

English economist and philosopher J. Mill believed that land is not a commodity, but a means of production and should be equally accessible to all. He argued that the state should act as the sole landowner, and land users should be tenants who receive their plots on the basis of a contract – indefinitely or for a certain period [19]. These statements have found practical reflection in many countries of the world in the process of land reforms.

Land use is a complex, multifactorial system that reflects the interaction of the environment, society and man himself. All components of the natural environment and their properties, methods and means of management are so interconnected that a practically insignificant change in the impact of only one of these factors can lead to significant changes in the human production of agricultural products [27].

At the present stage, land use systems as a complex object are characterized by functional diversity (by forms of ownership, categories of land and groups of land users), relative stability and certain dynamism (transformation of the structure of land, change of landowners and land users). Therefore, in the context of transformation of land relations, the principles of complexity and systemicity should be met by the formation of land use systems at least at three levels: national, regional and local. The essence of this approach is to consider this problem from the general to the particular.

At the same time, regional land use systems should be developed on an alternative basis as models that would be guidelines for choosing optimal solutions on the ground, taking into account the direction of state policy, different forms of management, social stratification, different provision of commodity producers with production resources, competition. These models should be favorably different from the “usual” complex of interrelated technological, technical, economic, social, nature restoration and environmental measures. To do this, it is necessary to bring production processes in agriculture in line with various landscape conditions and environmental laws, as well as to eliminate the causes of certain violations [28]. The degree of adequacy of such land use models depends on the degree of identification of interrelations between the elements of the system.

The land use system should include three main subsystems: “subject” (land users, landowners, the state), “object” (land, land plot), “technological” (land use itself).

At the same time, each of the subsystems has its own internal structure, which consists of a number of components and determines a wide range of activities on the use of land resources, the formation of adequate mechanisms for the implementation of state socio-economic policy. The efficiency of the system as a whole depends on the degree of their integration.

The interaction of subject and object subsystems determines the scale, scope, nature and intensity of society’s impact on land resources and vice versa. The analysis of the development of nature and society makes it possible to identify the area of interaction

between these two systems, where the preconditions for the life of the first become the conditions for the self-reproduction of the second. Their interaction is carried out within the social sphere, therefore, is subject to its laws on the principle of the primacy of the laws of the highest form of matter movement.

Conclusion. The results of the study of the essence of the conceptual apparatus of “land relations” give grounds to assert that:

1) an important tool for the study of the phenomenon of land use at the local level is its conceptual and terminological apparatus, which is currently under development;

2) all the variety of concepts and terms related to the subject of the study can be divided into two main groups, on the one hand, these are concepts and terms from the field of land management, on the other – the conceptual and terminological apparatus of land use at the local level;

3) land relations have an objective nature and are a socio-economic and environmental process of ownership, use and disposal of land;

4) due to the establishment of multiple forms of land ownership, inclusion of a certain part of land in the system of market circulation in the course of concluding civil law transactions with land, these relations, while remaining essentially land relations, acquire a property character;

5) the concept of “land” is central to the study of land use, which, together with such derivative concepts as “land use”, “land management”, “land cadastre”, “land resources”, “land plots”, “spatial forms of land use”, etc., forms a conceptual and terminological system that is currently under formation.

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