
LAND PLOTS EXCHANGE AT THE EXISTING AGRICULTURAL LAND TENURES IMPROVEMENT IN UKRAINE

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Abstract. *The issue of the existing agricultural land improvement effectiveness in the course of land reform is scrutinized in the article. The research relevance is predefined by the need for the fragmented land ownerships and tenures optimization as a constituent of the sustainable land tenure in Ukraine. Land plots exchange approaches substantiation in the course of the existing agricultural land tenure improvement under current social and economic conditions is the goal of the research. Key aspects of land exchange aiming at land tenure optimization within the agricultural land mass in accordance to the legislation in effect have been exemplified. Sources of the existing agricultural land tenures and land ownerships drawbacks have been singled out.*

Land tenure areas of agricultural enterprises situated in Ukraine and Kyiv Region have been analyzed. Land plots exchange based on a set of qualitative, spatial and technological characteristics has been carried out on the example of an agricultural enterprise in Kyiv Region. As the result, the improvement of the agricultural enterprise land tenure spatial characteristics including furrow length has been achieved.

The research results can be used at the existing land tenure and land ownership improvement in accordance to the legislation, the land consolidation strategy development in Ukraine, land owners and land users private efforts and the scientific researches in the future.

Keywords: *land exchange, land sublease, agricultural land, agricultural activity effectiveness, land reform*

Topicality.

The existing land tenure and land ownership improvement in the current social and economic conditions envisages the land exchange as an obligatory constituent. Respective measures are of aspecial relevance taking into consideration the perspective agricultural land market, predictably facilitating the land fragmentation.

According to the latest legislation alteration, the legal basis for area and placement optimization of the existing agricultural land tenure and land ownership within the agricultural land masses based on the land plot exchange (sublease) is provided. However, in accordance to recommendations of the UN Food and Agricultural Organization [1], at land plots reallocation in the environ-

ment of the private property land owners' losses should be avoided. Thus, one of the key aspects is the substantiation of land exchange at the existing land tenures and land ownerships improvement.

Analysis of recent research and publications.

The issue of the existing agricultural land tenures and land ownerships improvement in the market relations or transition to the market economy has been scrutinized in the researches of A. Tretyak, A. Shvorak, L. Tkachuk, A. Martyn, I. Kolganova, O. Krasnolutskiy, V. Drugak, J. Dorosh, R. Tykhenko, O. Kustovska, R. Giovarelli, D. Bledsoe, M. Hartvigsen, J. Thomas et. al. However, at the current stage, the complex resolution of land plots reallocation mechanisms at the existing land tenures and land ownerships improvement.

The goal of the research is the land plots exchange approaches substantiation at the existing agricultural land tenures improvement in the current social and economic conditions.

Materials and methods of research.

The existing land tenures and land ownerships improvement is aimed at the formation of conditions for sustainable land tenure.

According to the Law of Ukraine about the changing of some law acts of Ukraine on the resolution of the issue of land collective ownership land tenure rules improvement in the agricultural land mass, illegal takeover resistance and irrigation facilitating in Ukraine as of 10.07.2018 № 2498-VIII the changes to the Land Code of Ukraine [2] aimed at facilitating the improvement of land

plots used for commercial agriculture, farming and personal agricultural production, field roads and woodlines usage regulation by determination of the possibilities for exchange, lease and sublease of the respective land plots.

The possibility for the exchange of a land plot, owned by the government or local community with another land plot situated within the land mass. Thus, land plots of all the forms of property are subject to exchange and it is realized by the exchange agreement, mutual rent or sublease agreement.

The notion of “the person to have the right of the usage of the greater part of the agricultural land mass” has been introduced, who has a right to rent other agricultural land plots situated within the land mass and to sublease them in case they are rented provided their owner or leaseholder becomes the right to use (rent, sublease) the other land plot within this land mass for the same period and at the same conditions if in case of strip farming failing to use the land plot obstructs the rational use of a land plot used by this person (Part 1, Section 4, Article 37-1 Land Code of Ukraine [2]). This person is considered to be the land user to have the right to use the land plot (rent, emphyteusis), situated within the agricultural land mass with the total area of no less than 75% of the total land mass area (Part 2, Section 4, Article 37-1 Land Code of Ukraine [2]).

Not only is the “plot to plot” exchange is stipulated, but land plots of all forms of property situated within the agricultural land mass.

The exchange of land plots owned by the government or the local community situated within an agricultural land mass with a land plot within the land mass is conducted only in case the land plots have equal appraised monetary value or their appraised monetary value difference is no more than 10%.

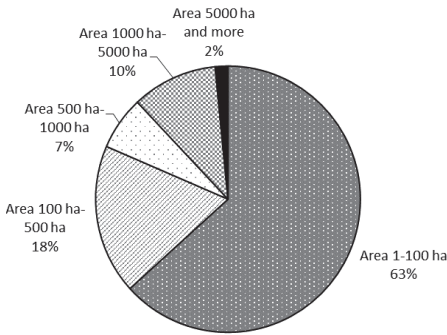


Fig. 1. Agricultural enterprises of Ukraine by the area of land tenure

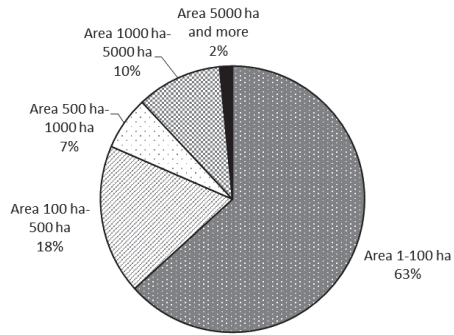


Fig. 2. Agricultural enterprises of the Stavyshe district of Kyiv region by the area of land tenure

Land ownership and land tenure structure of Ukraine is formed due to the land relations reforming at the transition to the market environment, is characterized by significant land tenure fragmentation [4]. The average land plot area, that has been allocated in the territory as a land plot, is 4 ha. The biggest 94 agroholdings of Ukraine use land areas of 10 000 ha and more (UkrLandFarming group

has the land bank of 654 000 ha). At the current stage, approximately 78% of the agricultural land are rented. Land tenure fragmentation creates preconditions [5], when the guaranteed by law right of land plot use by private owners causes the land ownership drawbacks like interspersing, cutting-in, erosionally dangerous location of land tenure boundaries, etc.

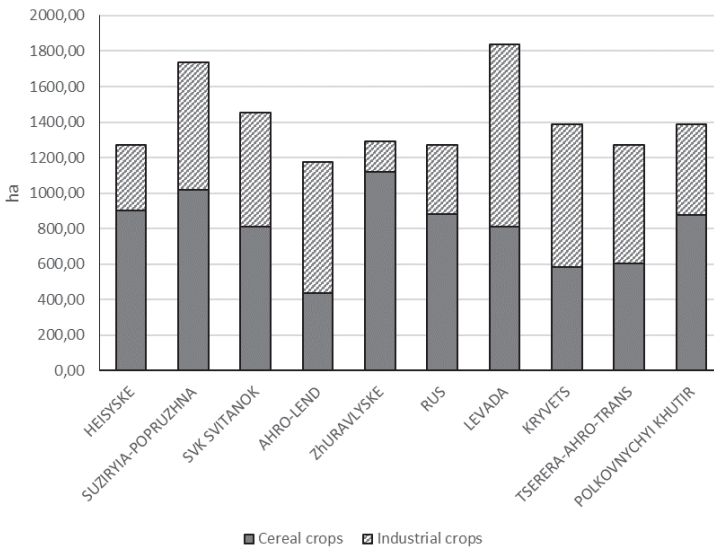


Fig. 3. The Stavyshe district of Kyiv region agricultural enterprises land tenure size that are specialized on cereals (but rice), bean cultures and cereal seeds



Fig. 4. Land tenure fragmentation before (a) and after (b) improvement

The largest part of agricultural producers are the enterprises with land area of 1-100 ha. (fig. 1).

As the result of analysis of statistical data [6], it has been revealed the Stavyshche district of Kyiv region greatly reflects average for Ukraine indices on the part of agricultural producers by the area of land tenure (fig. 2).

Concerning the part of the used land the enterprises with land tenures of 1000-5000 ha are of the greatest interest.

Within the mentioned range of land tenure areas of the Stavyshche district of Kyiv region, ten enterprises are operating, which are specialized on cereals (but rice), bean cultures and cereal seeds (fig. 3).

The fragment of the crop rotation field characteristics with the accomplished land plots exchange of the land share owners

Field №	The number of the rented land plots	Before improvement			After improvement					
		Field size, ha	Soil suitability classification		The average length of furrow, m	Field size, ha	Soil suitability classification		The average length of furrow, m	
			Code	Size, ha			Code	Size, ha		
			55д	14,7		55д	14,7			
			209д	1,5		209д	1,5			
V	85	198,3	41д	15,3	1476,0	198,0	41д	15,3	1535,0	
			53д	170,0			53д	169,7		
			55д	13,0			55д	13,0		
			53д	179,0			53д	179,0		
			210д	2,9			210д	2,9		
VIII	54	156,6	41д	101,6	766,0	156,5	41д	101,6	985,0	
			49д	15,5			49д	13,0		
			53д	36,6			53д	39,0		
			210д	2,9			210д	2,9		

The land tenure of Heyisyske private agricultural enterprise formed by the means of the rent of privately owned commercial and personal agricultural production land plots.

Land reallocation based on the peer land plots exchange was conducted aiming at the enterprise territory improvement in accordance to the methodology [7] using the optimization approach [8].

Research results and discussion.

As the result of Heyisyske private agricultural enterprise land tenure improvement, the adjustment of land plots configuration, interspersed removal, no need for extra field routes design, the adjustment of configuration and placement of crop rotation fields was achieved (fig. 4, table).

As the result, the reduction of idle passes and turns, uncultivated areas of the crop rotation field, technologicaly impaired cultivation of crop rotation field fragments avoiding is observed thus facilitating the land tenure productivity.

Conclusions and perspectives.

As the result of measures on the existing land tenures improvement by the exchange of land plots of the land share owners or usage rights (sublease), the adjustment of land mass configuration and interspersed removal are achieved, thus facilitating the agricultural crops cultivation and the increased profitability.

References

1. FAO. (2003). The design of land consolidation pilot projects in Central and Eastern Europe. Rome. Available at: <http://www.fao.org/docrep/006/Y4954E/y4954e00.html>.
2. Zemelnyy kodeks Ukrainy vid 25.10.2001 № 2768-III [Land code Ukraine as of October,

25, 2001 № 2768-III] (2002). Bulletin of Verkhovna Rada of Ukraine, 3-4, 27.

3. The Supreme Court (2016). Pravova pozytsiia u spravi № 6-464tss16 [Legal determination of the case № 6-464tss16]. Available at: <https://oda.court.gov.ua/sud1590/pravovipoziciivsu/6-464cs16>.
4. Tretiak, A. M., Tretiak, V. M. (2016). Zemleustrii v Ukraini: vporiadkuvannia zemlevolodin i zemlekorystuvan ta orhanizatsiia terytorii silskohospodarskykh pidpriemstv [Land management in Ukraine: land ownership and land tenure improvement and agricultural enterprises territory organization]. Kherson, Ukraine: Hrin D.S., 200.
5. Malashevskiy, M., Palamar, A., Malanchuk, M., Bugaienko, O., Tarnopolsky, E. (2018). The Opportunities for use the peer land exchange during land management in Ukraine. Geodesy and Cartography, 44 (4), 129-133.
6. Agricultural enterprises. Available at: <https://tripoli.land/analytics/>.
7. Bugaienko, O. (2018). The land reallocation model in the course of agricultural land consolidation in Ukraine. Geodesy and Cartography, 44 (3), 106–112.
8. Bugaienko, O. A. (2016). Optimizaciya pererospodilu zemel pri vporiadkuvanni isnuyuchih zemlevolodin i zemlekorystuvan [Land reallocation optimization at the existing land ownership and land tenure improvement]. Engineering geodesy, 63, 99-109.

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***ОБМІН ЗЕМЕЛЬНИХ ДІЛЯНОК ПРИ
ВПОРЯДКУВАННІ ІСНУЮЧИХ СІЛЬСЬКО-
ГОСПОДАРСЬКИХ ЗЕМЛЕКОРИСТУВАНЬ
В УКРАЇНІ***

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Анотація. Розглянуто питання підвищення ефективності впорядкування існуючих сільськогосподарських земель в умовах реформування земельних відносин. Актуаль-

ність дослідження зумовлена необхідністю оптимізації фрагментованих землеволодінь і землекористувань в Україні як складової досягнення сталого землекористування. Метою дослідження є обґрунтування підходів обміну земельних ділянок при впорядкуванні існуючих сільськогосподарських землекористувань у сучасних соціально-економічних умовах. Наведено ключові аспекти обміну земель з метою оптимізації землекористування у межах масивів земель сільськогосподарського призначення відповідно до останніх змін законодавства. Виокремлено передумови формування недоліків існуючих сільськогосподарських землеволодінь і землекористувань.

Проаналізовано сільськогосподарські підприємства України та Київської області за площею землекористувань. Обмін земельних ділянок за сукупністю якісних, просторових і технологічних характеристик реалізовано на прикладі сільськогосподарського підприємства Київської області. У результаті досягнуто покращення просторових характеристик землекористування підприємства, зокрема довжини гону. Результати дослідження можуть бути використані під час заходів щодо впорядкування існуючих землеволодінь і землекористувань відповідно до законодавства, у розрізі формування стратегії консолідації земель в Україні, при індивідуальних ініціативах землевласників і землекористувачів та у наступних наукових дослідженнях.

Ключові слова: обмін земель, суборенда земель, сільськогосподарські землі, ефективність сільськогосподарської діяльності, земельна реформа

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СЕЛЬСКОХОЗЯЙСТВЕННЫХ ЗЕМЛЕПОЛЬ-
ЗОВАНИЙ В УКРАИНЕ

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Аннотация. Рассмотрен вопрос повышения эффективности упорядочения существующих сельскохозяйственных земель в условиях реформирования земельных отношений. Актуальность исследования обусловлена необходимостью оптимизации фрагментированных землевладений и землепользований в Украине как составляющая достижения устойчивого землепользования.

Цель исследования – обоснование подходов к обмену земельных участков при упорядочении существующих сельскохозяйственных землепользований в современных социально-экономических условиях. Приведены ключевые аспекты обмена земель с целью оптимизации землепользования в пределах массивов земель сельскохозяйственного назначения согласно последним изменениям законодательства. Выделены предпосылки формирования недостатков существующих сельскохозяйственных землевладений и землепользований.

Проанализированы сельскохозяйственные предприятия Украины и Киевской области по площади землепользований. Обмен земельных участков по совокупности качественных, пространственных и технологических характеристик реализован на примере сельскохозяйственного предприятия Киевской области. В результате достигнуто улучшение пространственных характеристик землепользования предприятия, в частности длины гона. Результаты исследования могут быть использованы при мероприятиях по упорядочению существующих землевладений и землепользований согласно законодательства, в разрезе формирования стратегии консолидации земель в Украине, при индивидуальных инициативах землевладельцев и землепользователей, в последующих научных исследованиях.

Ключевые слова: обмен земель, субаренда земель, сельскохозяйственные земли, эффективность сельскохозяйственной деятельности, земельная реформа