формування правових норм, регулюючих діяльність усіх учасників земельного ринку.

IV. Аналітична оцінка земельних відносин, що відбуваються в межах діяльності суб'єктів земельного ринку.

Відповідно до проводимого дослідження, з урахуванням критеріїв, визначених в статті, земельні відносини, що відбуваються в межах діяльності суб'єктів земельного ринку, відповідають вимогам і принципам, зазначеним в § 1 та § 2 статті 182 Земельного кодексу України.

Література


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http://www.donntu.edu.ua / «Бібліотека»/ «Інформаційні ресурси»
farming structures that occurred during the first five years of land reform [15].

GIOVARELLI and BLEDSOE (2001) present an overview on the transformation of land relations in Eastern Europe countries during their transition to a market economy in the late 1980s and mid-1990s. This paper primarily looks at one aspect of that transition: the transition of agricultural land from state ownership to private ownership and the accompanying transition to an agricultural land market [13].

KARAKASH (2004) provides a detailed overview of all problems concerning obtaining and realization of the property rights on land as well as land use rights in Ukraine [8].

NOVAKOVSKY, TRETIAK AND DOBRIAK (2001) describe all stages of land reform in Ukraine as well as present some data regarding land transactions on the market [10].

The main feature of this study that cannot be found in other works is the representation of significant changes in land ownership with special attention given to the formation of privatization of agricultural land in the market development in Ukraine since the Soviet Union's collapse. Contrary to other studies, which provide general data concerning land transactions, this article presents full statistical data on land market transactions with respect to agricultural land only.

After proclaiming independence in 1991, all land was automatically transferred from the state to the Ukrainian citizens. On the governmental level the decision was made to begin the transformation of land relations in the direction of a market-oriented economy. Thus, a comprehensive set of legal and normative documents was adopted. Ukrainian land reform started from the elimination of the state monopoly on land. After a time, land was redistributed and transferred to lifetime possession/use of individuals, permanent possession/use of collective farms (kolchozes), Soviet agricultural enterprises (sovkhozes) and other enterprises. The declared aim of this redistribution was the creation of proper conditions for the equal development of different farming forms. Thereby, private and collective forms of land ownership were implemented and specified in the Law "ON THE FORMS OF LAND OWNERSHIP" [6]. Actually, collective land belonged to the individual members of collective farms, and each member was entitled to an equal share of land, which had to be certified by a land certificate.

The land share policies – introduced in the mid-1990s – did not bring about the expected results. Namely, the real landowners were not established; rational land use and protection of land resources wasn't achieved.

The December 1999 Decree of the President was aimed to set out a new policy for land reform [11]. According to this legal document, collective ownership was eliminated. And the decision was made to reorganize collective agricultural enterprises (transformed from kolchozes) into joint-stock companies, limited liability companies, agricultural cooperatives, private firms and other market-oriented legal entities. The Decree ensured that members of collective agricultural enterprises had the right to withdraw their land and asset shares from the enterprises. Thus, they could establish new forms of agricultural enterprises and carry out their activities as private owners.

As a result, 6.7 million land certificates were distributed in Ukraine, the majority exchanged under the State Acts of private land ownership. Peasants had become landowners.

Land privatization led to significant changes in the structure of agricultural land ownership in Ukraine (see Table 1).

Table 1

<table>
<thead>
<tr>
<th>Agricultural land ownership structure, thousands hectare</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicators</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Total amount of agricultural land</strong></td>
</tr>
<tr>
<td>42,030</td>
</tr>
<tr>
<td><strong>Private ownership:</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>of which were</td>
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<tr>
<td></td>
</tr>
<tr>
<td>Land shares</td>
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<tr>
<td>-</td>
</tr>
<tr>
<td>Land plots</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td><strong>Peasant farms:</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>of which were</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Total numbers, units</td>
</tr>
<tr>
<td>14,700</td>
</tr>
<tr>
<td>Agricultural land, thousand hectare</td>
</tr>
<tr>
<td>292</td>
</tr>
<tr>
<td>Peasant farms not registered as a legal entity</td>
</tr>
<tr>
<td>-</td>
</tr>
<tr>
<td><strong>State Ownership</strong></td>
</tr>
<tr>
<td>42,030</td>
</tr>
</tbody>
</table>

Source: STATE LAND RESOURCES COMMITTEE, 2005 [16].

http://www.donntu.edu.ua / «Библиотека»/ «Информационные ресурсы»
As seen in Table 1, nearly 100% of agricultural land was under state ownership by 1991. Transferring agricultural land between different forms of ownership started after the beginning of land reform. At present, about 72%, or 30 million hectares of agricultural land are privately owned. Most of this land, 60%, is in physically demarcated land plots.

At this stage of land relations, an urgent need developed for a mechanism which would be able to establish property rights on agricultural land and provide rational and efficient land use. World practice attests that such a mechanism is an agricultural land market [2].

At present, the LAND CODE (2001) and the October 2004 law are the main legislation that regulates agricultural land market in Ukraine [7, 3]. According to the definition of land market and ascertained prohibitions in TRANSITIONAL PROVISIONS OF LAND CODE (2001) [7], a full-fledged agricultural land market does not function in Ukraine today. The Transitional Provisions which were amended and prolonged by the Law of Ukraine „ON AMENDING ACT TO THE LAND CODE OF UKRAINE” [3], state:

- Individuals and legal entities which have land plots in private ownership for family farming and other agricultural production, as well as the citizens of Ukraine/land shareowners have no right to sell or alienate in any way their land plots and land shares, except by inheritance or withdrawal for public needs till January 1, 2007.
- For the period till January 1, 2015, individuals and legal entities can acquire agricultural land plots with the total area not exceeding 100 hectare. However, this area can be increased in the case of legitimate inheritance of these land plots by citizens and legal entities.
- Until January 1, 2007, land shareowners have no right to contribute their shares to the statutory fund of business associations/ commercial companies.

All land transactions which can be made on the Ukrainian agricultural land market are generally divided into two main categories: a) purchase and sale transactions, which predict the transfer of legal land ownership; and b) leasing transactions, which predict the transfer of rights on land use from lessor to leaseholder.

Giving as a gift, the inheritance/bequest of agricultural land or so-called civil-law transactions and exchange of agricultural land plots or so-called market transactions are also commonly used in Ukraine and can be placed in the first category of land transactions, which predict the transfer of legal land ownership. Leasing transactions comprise the leasing of agricultural land, subleasing, and third party lease.

The August 1995 Presidential Decree stipulated a land share size for each land ownership share with distribution of nominal Certificates of the Rights on Land Share [12]. On the 1st of January 2003, 6.72 million peasants (or 98%) received the Certificates and automatically obtained the rights regarding all available transactions with their land shares.

The certificate transactions have been running during the last several years and became the first transactions of the rights on agricultural land. At that time the land share rights were not properly understood by the population and new land shareholders did not take any strong proactive position in exercising their rights.

Certificates of the Rights of Ownership on the Land Share (every share comprised 4 hectares on average) were selling between 500 hryvnas (100 USD) to 16,500 hryvnas (3,000 US Dollars). According to the accepted method of monetarily assessing land, a hectare of agricultural land costs 8,574 hryvnas and the average cost of land share has not be less than 34,300 hryvnas [16].

This has led to the large-scale purchasing of land share rights at low prices in certificate form (see Figure 1).

All land shareowners agreements regarding the purchase or sale, gift or alienation of land shares in any way, except through transferring them into inheritance and withdrawing them for social needs, were prohibited by the January 2001 law, according to the absence of a land purchase and sale mechanism, and with the aim of protecting of peasants’ land rights [5]. This law thereby practically stopped all transferral of the rights for land ownership shares.

Another way of transferring the rights to agricultural land plots is purchase or sale. There are two probable types of agricultural land plot purchases or sales in Ukraine: (a) direct purchase or sale according to applications of all concerned individuals and (b) purchase or sale at auction. Direct purchase or sale of agricultural land plots is allowed only for legal persons, religious and social organizations, and for Ukrainian citizens. Others may obtain rights for private land ownership through purchase or sale at the auction only.
While the sale and purchase of agricultural land are currently forbidden, gift, inheritance/bequest and lease of land plots are allowed. This serves as a tool for reallocating land resources during the moratorium period.

According to the LAND CODE OF UKRAINE (2001), three available types of transferring ownership rights to agricultural land were legally present in Ukraine till the end of 2005: exchange, gift and inheritance. In this respect, the exchange of agricultural land plots is worthy of special attention. According to the LAND CODE (2001), the exchange of agricultural land was a legal operation on the Ukrainian agricultural land market by January 2005. The Law of Ukraine "ON AMENDING ACT TO THE LAND CODE OF UKRAINE" prohibited all market transactions concerning the exchange of agricultural land plots till the 1st of January 2007.

As shown in Figure 2, inheritance is the predominant type of transaction, accounting for 86% of the total amount of land transactions involving the transfer of ownership. This is explained by a simple reason: half of all land plots are in possession of pensioners passing on land rights to their relatives [1]. One of the most common forms of land plot transferal of the Ukrainian agricultural land market is land lease.

Land lease was re-established in Ukraine
through the Law "ON LAND LEASE" [4] after a 70 year break. Land sharing of non-state agricultural enterprises provided a powerful incentive for agricultural land lease relations’ development. Nearly 6.7 million certificate owners, 41,600 farmers, as well as the new forms of business, were interested in developing land lease relations.

Currently in Ukraine, there are two ways of transferring land by lease: (a) the Certificate of the Right for Land ownership Share and (b) the State Act of the Rights for Private Land ownership. The majority of certificate owners entered into leasehold arrangements with agricultural entities and individuals. On the 1st of January 2004, land shareowners made 5,235,600 rent contracts, with a total leased area of 20,927,400 hectares. And on the 1st of January 2005, the amount of such contracts was 5,031,200, with a total area of 19,982,500 hectares of leased land.

As seen from Figure 3, leasehold agreements with enterprises which issued land certificates still dominate (69%). Such a figure can be explained mostly by retirees’ reluctance to change the lessees. The part of retirees’ leasehold agreements in the total amount of rent contracts is 2,691,700, or 53.5%.

On the 1st of January 2005, 12.716 million hectares of agricultural land were transferred into lease based on the State Act of the Rights for Private Land ownership. 99.9% of this amount, or 12.708 million hectares, was transferred for agricultural production and only 8,700 hectares, or 0.1%, was transferred for other purposes. 158,400 hectares of agricultural land, or 1.2%, were transferred into lease in different localities.

Almost all prerequisites for the development of an agricultural land market have been established in Ukraine. The state’s monopoly on land ownership has been eliminated, Ukrainian peasants obtained rights of private ownership on most agricultural land, and new forms of business on the agricultural land market developed. Further, market transactions of agricultural land through exchange, gift and inheritance/bequest have been implemented in Ukraine.

But several impediments to the further development of an agricultural land market still exist. First is the moratorium on the purchase and sale of agricultural land, which should be immediately lifted. The moratorium is interrupting the development of the land market, as well as its infrastructure, including consulting agencies, brokerages, real estate agencies, insurance companies, etc.

Current agricultural land transactions in Ukraine are accompanied by the complex and intricate procedure of registration in different agencies and departments. That is why the formation of an Integrated Registration System of the rights on land and real estate is also one of the most important prerequisites for further agricultural land market development. One more problem to be addressed is that land evaluators and landowners have little access to market information regarding agricultural land prices or demand and supply. Difficulties in access to such information, and even its
absence, are reflected in current land prices. Solving these issues will hopefully accelerate the development of the agricultural land market in Ukraine.

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ИНСТИТУЦИОНАЛЬНЫЙ ПОДХОД К РЕФОРМИРОВАНИЮ ПРОМЫШЛЕННЫХ ПРЕДПРИЯТИЙ

Реформирование отечественных промышленных предприятий является необходимым условием осуществления рыночной трансформации экономики. Это вызвало неконкурентоспособность промышленных предприятий и производимого ими продукта, неэффективность их функционирования и как следствие неконкурентоспособностью экономики страны. Теоретическое осмысление происходящих трансформационных процессов, выбор приоритетов экономического развития предопределяют формирование методологии системного реформирования отечественных промышленных предприятий. Поэтому возросла потребность в использовании институционального подхода, для которого традиционным является представление экономики как сферы взаимодействия индивидов, формирующих социальные институты, являющиеся своеобразными общественными благами.

Создание макроэкономических и политических условий, обеспечивающих свободное развитие рыночных сил экономики, оказывает существенное влияние на рост конкуренто-