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On Inequality of Rights in Agricultural Land Privatization

Victor Aleksandrovich Mayboroda[1]*

[1]North-West Institute of Management, branch of RANEPA, Sredniy Av., 57/43, Vasilievsky Island, St. Petersburg, 199178, Russia
**Corresponding author E-mail: mayboroda.v.a@inbox.ru*

Abstract

The article examines the institution of agricultural land privatization. Considering the dynamics of modern legislation, considerable attention is paid to the historical overview of the development of regulatory developments in this institution. Currently, due to uncertain meaning of the term "privatization", the author emphasized its semantic content in regulating land relations in general and in connection with the turnover of agricultural land, in particular through the application of content analysis methods in normative materials. In addition, the land purchase was compared with certain provisions of foreign legal systems. The study has led to conclusions regarding the need for formation of independent law enforcement practices for privatization of agricultural land for agricultural use. The author suggests using this term if there is a regional norm on privatization. At the same time, if the regional legislation establishes the date for privatization commencement beyond an obvious planning horizon and does not allow the use of this particular institution, the author offers to transform public property into private using the institution to purchase land granted on a lease basis. The current application of the institute of public land privatization for agricultural use lacks the opposition of semantic burden of privatization to other forms of transformation of public possession into private property. The absence of such opposition in a law enforcement practice provides an opportunity for confusion of privatization and land purchase when considering specific disputes. Today, those participating in privatization, i.e. persons who can potentially purchase publicly owned lands, are in unequal conditions with regard to other methods of acquiring public lands, including through purchase in case of a bona fide rent. The study itself aims to understand the results of public land transformation into private land based on a priori provision on the need to form a competitive environment for the existence of various forms of ownership through economic regulation methods, avoiding the provision of legal advantages to individual forms of ownership.

Keywords: *Land privatization for agricultural use; Purchase of agricultural land; The right to lease a land plot.*

1. Problem Statement

The problem of private land ownership is one of the oldest socio-legal problems in the Russian Federation. In modern Russia, land as an object of real estate has only partly become the object of civil turnover. As in the period of socialist construction, the agricultural land is still in public (state or municipal) ownership. To understand the current situation in regulating these relations and to suggest reasonable possibilities of further development in this regulation, it is necessary to consider this issue from a historical point of view. This approach is determined by the fact that the turnover of the land is performed in two basic forms: as a basis for agricultural production and as a basis for future or current development of capital development projects and real estate. In the first case, when used rationally, the land follows the cycle of crop rotation that is a 6-7-year sequence of crop change, and in the second case – the real estate object passes the average production cycle of 10-50 years.

In both cases, it is obvious that the land user should have a planning horizon for the use of the land plot, starting from 10 years.

This circumstance provides the land plot with a non-legal burden of planning its use. Such property and requirement are not included in the regulation of the land turnover in the current legislation of the Russian Federation. However, it is evidently considered by any land user assuming such use of the land plot that in his possession, that would not detract from its market value, but on the contrary, would improve it. The increase is possible in agricultural production by forming a sustainable and profitable agricultural production cycle, usually based on the use of crop rotation. As for the land plot, which is subject to the city planning regulations, this means a development that would allow using a land plot with marketable real estate objects, which exploitation is profitable in the short and medium term.

However, if in the latter case – when constructing a real estate object on a publicly own land plot in public (state or municipal) property, the right for its purchase is unquestionable and provided in p. 39.20 of the Land Code of the Russian Federation and is the exclusive right. Whereas, in relation to agricultural lands, which are not subject to city planning regulations, that is agricultural lands (part 6 of Article 36 of the Town Planning Code of the Russian Federation), the question of their purchase from public ownership to private is less clear. This exclusive right to purchase a land plot occupied by real estate is so successfully implemented in the modern Russian legislation that in the German roots of this institution have already been lost. However, the original doctrinal provision of the German law secured the right of a person to create another contract for the sale of a land plot on the terms of the first contract, but with a different subject composition by his unilateral will [1, 2].

Consideration of inequality among the actors-land users of agricultural land, classified as agricultural land in state or municipal ownership, arising in this regulation is the subject researched under this paper. At the same time, the reverse process, i.e. the purchase of agricultural land from private ownership to public property, has a legislative mechanism of the primary right to purchase a land plot into public ownership. It is worth emphasizing, that part 2 of Article 9 of the Constitution of the Russian Federation, fixing

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various forms of land ownership still puts the private ownership of land first. At the same time, political theory assumes the need to differentiate ownership into private, communal and public, while calling into question that the property regime, in fact, has only one of the above forms, asserting its priority over the other two [3].

2. Background

Consideration of the background of private ownership of land, which differs (or derives) from public property should begin with the peasant reform of 1861. In the large-scale reform of these relations, the provision of land to private ownership was performed by granting the former serf peasants with the land divided into types of use on their payments of a certain purchase price. Until the full payment of the purchase price, the serf peasants were obligated to perform labor duties in favor of landowners. However, their right was limited to the land use. Furthermore, for nine years, the allotment land could not be alienated and pledged, that is, even with full repayment, they were limited in turnover.

The generally recognized result of this reform was the actual preservation of historically established forms of land ownership – community and household. The reform ceased serf relations by the unrestricted alienation of surplus product in agricultural production but did not determine private ownership of land.

This step resulted from the agrarian reform of Petr Alekseevich Stolypin. Under this reform, a member of the community – a householder had the right to leave the community with the allocation of a certain part of the communal land – the allotment. Starting from June 14, 1910, the community peasants could become private owners of land in those communities with no land redistribution over the past 24 years. The householder had the right to unite all the allocated land plots in one place in the form of a cut or farm [4].

As a result of the socialist revolution, the first decree of the new government was the Decree on Land, adopted by the Second All-Russian Congress of Soviets of Workers', Soldiers' and Peasants' Deputies. Formally, it did not cancel private property, the document proclaimed that "the lands of ordinary peasants and ordinary Cossacks should not be confiscated", but, in fact, article 3 of the Constitution of the RSFSR of 1918 declared land, forests, subsoil and water an object of exclusive public and nationwide property. This rule was further reproduced in the Constitutions of the USSR in 1936 and 1977.

Thus, the right of private land ownership as a real institution in Russia was ascertained only with the adoption of the Constitution of 1993. According to part 2 of Article 9, the land and other natural resources can be in private, state, municipal and other forms of ownership. It is worth mentioning that the uncertainty of the used formula "can" implies, both the presence of direct possibility and the reverse – "may not be".

The land reform of the early 1990s was a real breakthrough in terms of the massive involvement of people directly working on the land in the relations of private land ownership. Those included members of collective and state farms, which were also subject to transformation in the framework of this reform. Its conditional name – "ordered" is due to the fact that it was implemented mainly not by laws, but by orders of the President of the Russian Federation.

The reorganization of agricultural enterprises was carried out based on the RSFSR Law № 374-1 of November 23, 1990 "On the Land Reform", Order № 323 of the President of the Russian Federation of December 27, 1991, "On urgent measures to implement land reform in the RSFSR", Decree of the Government of the Russian Federation of December 29, 1991, № 86 "On the procedure for reorganization of collective and state farms" until January 1, 1993, with the assignment of property shares and land shares to employees, with an application submitted to the district commission for land privatization and reorganization of agricultural enterprises for the provision of land in one form or another, along with the list of persons entitled to receive land for free, including employees of collective and state farms.

According to p. 9 of the Regulation on reorganization of collective farms, state farms and privatization of state agricultural enterprises approved by the Resolution of the Government of the Russian Federation of September 4, 1992 № 708, those entitled to receive land for free in accordance with the Decree of the President of the Russian Federation "On the procedure for establishing the norms for the free transfer of land plots to the private ownership of citizens" of March 2, 1992, № 213, should include workers of collective farms and state farms, other agricultural enterprises, retirees of these enterprises living in these territories; persons employed in the social sphere in rural areas; temporarily absent employees (conscripts, farm fellows, etc.), persons entitled to return to their former place of work (if returned), and persons dismissed from this enterprise to reduce the number of employees after January 1, 1992.

To speed up the procedure of registration of ownership of land and land share or plot of land point 9 of the Order of the President of the Russian Federation of October 27, 1993 № 1767 "On the regulation of land relations and the development of agrarian reform in Russia" local administrations were required to consider the relevant application within a month from the moment of its submission and issue a decision to grant, sale a land plot in private ownership, to transfer the right to land, to allocate a land plot or to refuse these actions within 7 days since the adoption of decision. Point 3 of the Order approved the certificate form for land ownership.

Further reform showed the adoption of several resolutions of the Government of the Russian Federation aimed at the registration of a land share with the possibility of its inclusion in the authorized (reserve) capital of the newly formed collective farms and state farms of agricultural enterprises.

It should be mentioned that by the time of adoption of the Order of the President № 1767 of October 27, 1993, and the Government Decree №96 of February 1, 1995, the reorganization of agricultural enterprises was basically completed. However, many former workers of collective and state farms, including those who have rightfully sold their land shares, received ownership certificates for a land share from land management committees in accordance with regulations of district governors, which, in turn, were adopted without the required verification, solely based on the lists of persons submitted by the reorganized agricultural enterprises.

This situation, combined with creation of the state land cadastre, which included the data on the inventory of land and on persons provided with land shares according to the lists of reorganized agricultural enterprises, resulted in uncertainty (discrepancy) in terms of issuing ownership certificates for a land plot of an area corresponding to the shares contributed to the authorized capital. In this regard, the law enforcement practice of the late 1990s – early 2000s concluded that the ownership certificates for land issued in the form approved by the Presidential Order № 1767 of October 27, 1993, and the inventory data should not be considered an evidence of the land rights.

The courts that examined cases related to these relations considered these certificates only in a systemic relationship with the decision of the local government on restitution of lands, implemented by the Decree № 96 of the Government of the Russian Federation of February 1, 1995.

The situation was resolved by Article 18 of the Federal Law № 101-FZ "On the turnover of agricultural land", adopted on July 24, 2002, according to which the specified resolution of the local government, as well as ownership certificates, were assigned to documents verifying land titles, but not to the documents of title. This law also did not provide a panacea in bringing certainty to the regulation of the considered relations. The land share in its original wording was considered a share in the right of common ownership of land plots for agricultural use. However, each owner of the common property decided the legal fate of the land share by personally signing the minutes of the general meeting and the

lease contract to the land plot in case of its transfer to the lease. In this situation, one of the common property owners could act as an obstacle to collective management of common property. These contradictions were resolved in 2010 by implementing the rules on holding general meetings, on authorizing one of the common property owners with the management rights for the entire common property, and on granting the power to organize and hold general meetings to the local government authorities, which were further strengthened in 2018.

Throughout the period of reforming land relations in modern Russia (the "three transformations" period) – the beginning of the 1990s, the beginning of the 2000s and the period of 2015-2017 – the legislator has not worked out certain rules understood by all the participants in the considered relations: is it possible to purchase land from public (state, municipal) property into private ownership, or is the resulting reform to allocate persons related to the work on collective farms and state farms with land shares should be considered the completion of the possibility to convert public ownership of agricultural land into private.

3. Terminological Uncertainty: the Right to Purchase or the Right to Privatization

The current regulatory framework does not contain a close definition of "land privatization".

Federal Law № 178-FZ of 21.12.2001 "On privatization of public and municipal property" provides a definition of privatization as such – indicating in Article 1 that privatization of public and municipal property is understood as the disposal of property owned by the Russian Federation, constituent entities of the Russian Federation, municipal entities, in the ownership of individuals and (or) legal entities.

At the same time, according to paragraph 1 of part 1 of article 3 of this law, its effect excludes the relations arising from the alienation of land. An exception is the alienation of land plots with the real estate objects, including property complexes. That means that this law does not apply to the lands of agricultural use that are not subject to city planning regulations. It does not apply to agricultural lands: arable lands, hayfields, pastures, deposits, lands occupied by perennial crops (orchards, vineyards, and others). The current legislation of Russia does not contain any other definition of the term "privatization"; thus, the question of compensation for privatization of a land plot for agricultural use remains open.

The investigated rule – part 4 of article 1 of the Federal Law dated July 24, 2002 № 101-FZ "On the circulation of agricultural land" (hereinafter referred to as the Law on the turnover) determines that the privatization of land plots from agricultural land in public or municipal ownership is performed in accordance with the procedure established by this law, the Land Code of the Russian Federation and other federal laws. Privatization of the specified land plots located on the territory of a constituent entity of the Russian Federation shall be carried out from the moment established by the law of the constituent entity of the Russian Federation. That is, the norm is a reference to the direct law specified, the Land Code of the Russian Federation and other federal laws and provides the constituent entity of the Russian Federation with a blanket possibility to establish the moment (that is, the date) to launch privatization.

However, neither this law nor the Land Code of the Russian Federation provides the direct procedure for privatization.

Moreover, according to articles 15 and 18 of the Law on the turnover, privatization is referred to as the transfer of agricultural land that was committed before the entry of this law into force, that is, the period considered in Section 2 of this work in terms of transfer of agricultural land to collective and state farm workers (other residents) as a land share. This act of transfer – emphasizing – privatization within the meaning of the above legislative provisions of the current regulation was free of charge. A person would acquire the right to receive a land share, to participate in privatization of agricultural land in case he is work-related to a collective farm, a state farm, or a social rural institute (school, medical institution, etc.) and in case of a relevant seniority. The legal regulation did not provide any payment as an element of participation in privatization of agricultural lands.

Thus, it should be mentioned that the semantic definition of privatization of agricultural land in the current Law on the turnover is equivalent to privatization of agricultural land in the 1990s, that is, free of charge. This semantic context is evidently invested in the term "privatization" by the Law on the turnover. However, one should not forget that the order of privatization is designed as a reference rule, whereas the Land Code of the Russian Federation and other federal laws use a different category.

In addition to the term "privatization", Russian legislation uses such terms as:

- "acquisition of a land plot for free" (subparagraph 1, paragraph 1, article 39.1, article 39.5, subparagraphs 6, 7, paragraph 2, article 39.10 of the Land Code of the Russian Federation, article 1 of the Federal Law of 01.05.2016 № 119-FZ "On the features of providing citizens with land plots in public or municipal ownership located on the territories of constituent entities of the Russian Federation that are part of the Far Eastern Federal District and on introducing amendments to certain legislative acts of the Russian Federation", article 3 of the Federal Law of 25.10.20 01 № 137-FZ "On enforcement of the Land Code of the Russian Federation";
- "acquisition of a land plot for a fee" – respectively, subparagraph 2, paragraph 1 of article 39.1, article 39.3 of the Land Code of the Russian Federation, paragraph 1, 5.1 and 7 of article 10 of the Law "On the circulation of agricultural land", and art. 3 of the Federal Law № 137-FZ of 25.10.2001 "On enforcement of the Land Code of the Russian Federation"; and within the meaning of paragraph 1 of article 549 of the Civil Code of the Russian Federation. The above-mentioned regulations provide the possibility of a person who owns agricultural land plots (lands) under any of the proprietary rights (the right of permanent use, perpetual use, rent, etc.) to acquire this land plot for a fee based on a contract of purchase and sale, or the inclusion of a condition of sale in the lease.

Thus, the law does not refer to the above-mentioned relations as "privatization". However, it is improperly to call them a "sale" in the case of free provision of a land plot in ownership, since gratuitous sale is an oxymoron and with the absence of an essential condition of a transaction (price) such a sale is qualified as an unfinished deal.

This is the formal legal distinction of the semantic meaning of terms used by the current legislation in the sphere of the mentioned relations.

At the same time, the doctrine proceeds from the possibility of universalization of the term "privatization". For example, Malysheva specifies that privatization of land plots should be understood as the transfer of land plots in public and municipal ownership to the ownership of citizens and legal entities in the manner prescribed by law. According to her, the term "privatization" covers all forms (ways) of alienation of land from public or municipal property to private ownership [5]. Ikonitskaya mentions that the classification is based on the way of transferring the land plot, divided into the market and non-market forms. The compensatory nature of transfer means a market method, while gratuitousness refers to an administrative, non-market type of transferring land into ownership [6]. Lisina follows a similar classification, identifying the grounds for the land acquisition: administrative and civil [7]. Krassov justifies the opinion that the subdivision of land transfer methods depends not on the origin of the right (civil or public) but on the type of document based on which the ownership of land transfers from the state or municipality to a physical or legal entity: i.e. the contract of sale or administrative act on provision of a land plot [8]. He distinguished the procedures for privatization of land: "acquisition of a land plot at the auction; privatization of a land plot during privatization of a state or municipal enterprise; privatization of land plots previously granted to citizens for use; provision of land plots in the ownership of certain catego-

ries of citizens; privatization of agricultural land for organization of peasant farms" [8]. Anisimov and Melikhov proposed to introduce three grounds: civil, public and mixed [9].
The foregoing allows concluding that the doctrine determines privatization of a land plot as a legal act of transferring public or municipal land plots into private ownership.
Within the framework of the present study, it is worth summarizing the thesis that privatization of agricultural land according to the Law on the turnover is a continuation of the previous regulation, given in Section 2 of this work, which included the powers of a constituent entity of the Russian Federation (modernized). In case of failure to exercise such authority – extending legal relationship without modernization by regulations of the Law on the turnover.

4. Setting a Starting Point for Privatization of Agricultural Lands by a Constituent Entity of the Russian Federation

As was mentioned above, the examined rule of paragraph 4 of article 1 of the Law on the turnover established that privatization of land plots located on the territory of a constituent entity of the Russian Federation shall be carried out from the moment established by the law of the constituent entity of the Russian Federation. It should be mentioned that the law formula assumes that the land plots are located outside the territory of the constituent entities of the Russian Federation. However, more important and significant is the need to focus on the provision of paragraph 3, article 36 of the Constitution of the Russian Federation, according to which the conditions and the use of land are determined by Federal Laws. The possibility of regulating land relations as such by the regulation of a constituent entity of the Russian Federation is established in article 72, whereby the Russian Federation and the constituent entities of the Russian Federation jointly manage the land legislation.
However, according to paragraph 3 of article 3 of the Land Code of the Russian Federation, property relations for ownership, use and disposal of land plots, as well as for transactions of lands, are regulated by civil legislation, unless otherwise provided by the land, forestry, water, subsoil, or environment legislation, or special federal laws.
This means that the transaction with the change of ownership, regardless of its name (privatization, or acquisition for a fee, purchase into ownership without payment) of a land plot is, first, a civil-law transaction, and secondly, a transaction determining the conditions of land use, since any alienation of a land plot retains the purpose of its use.
Constituent entities of the Russian Federation in their lawmaking have established various moments (terms). Thus, Article 11 of the Regional Law of the Leningrad region № 107-oz of 02.12.2005 "On Certain issues of agricultural lands turnover in the territory of the Leningrad region" has established privatization of the land plots located on the territory of the Leningrad region from the date of entry into force of the regional law of May 31, 2004 № 29-oz. Article 14 of the Law of the Republic of Adygea of 07.06.2007 № 86 "On the regulation of land relations" determined the date of the beginning of privatization on January 9, 2050. Article 1 of the Law of the Republic of Altai of 14.05.2007 № 12-RZ "On the features of regulating legal relations in the field of agricultural land turnover in the Republic of Altai" established the date for the beginning of privatization of land plots for agricultural use from January 1, 2020. Article 21 of the Law of the Krasnodar Krai № 532-KZ of 05.11.2002 "On basic principles of regulating land relations in the Krasnodar Territory" provides that privatization of land plots for agricultural use in public or municipal property shall be performed 49 years since the entry into force of this article (with some exceptions). This article, as indicated in article 42 of this Law, comes into force on January 28, 2003. Article 8 of the Belgorod Region Law № 111 of 31.12.2003 "On the specifics of agricultural land turnover in the Belgorod Region" determined the moment of the beginning of privatization of land plots for agricultural use in public or municipal property – after the expiration of six months from the date of the official publication of this law. Article 1 of the Bryansk Region Law № 40-Z of 09.06.2006 "On the circulation of agricultural land in the Bryansk region" set the beginning of privatization on January 1, 2008.
One of the remarkable examples is the establishment of the beginning of privatization of agricultural land by the Law of the Stavropol Territory of February 3, 2017, № 3-KZ which amended the Law of the Stavropol Territory of April 9, 2015, № 36-KZ "On some issues of regulating land relations". According to paragraph 5 of article 5 of the Law № 3-KZ, paragraph 1 of part 2 of article 30 of the Law № 36-KZ, the words "paragraphs 4, 5.1 and 7" are replaced by the words "paragraphs 5.1 and 7". As a result, since January 1, 2052, the rule on privatization of land for agricultural use located in the territory of the Stavropol Territory does not apply to the persons specified in article 10 of the Law on the turnover: tenants of the land plot of public property with the history on violation of land legislation. These persons are entitled to acquire a land plot in the ownership or to sign a new lease.
This rule was the subject of judicial normative control and the Supreme Court of the Russian Federation in its Appeal Determination № 19-APG18-3 of June 6, 2018 regarding the powers of the constituent entity of the Russian Federation to establish the period for the beginning of privatization stated that the Law on the turnover defines the powers of the constituent entity of the Russian Federation as the establishment of the beginning of privatization of land plots located on the territory of a constituent entity of the Russian Federation.
At the same time, the Appeal Board of the Supreme Court of the Russian Federation took into account that privatization of land plots from agricultural land is one of the elements and an integral part of the turnover of agricultural land and is also regulated by the Law on the turnover. The definition of the beginning of privatization of land plots from agricultural lands in public or municipal ownership does not only indicate that the constituent entity of the Russian Federation has exceeded the competence on this issue, but also agrees with paragraph 4 of article 1 of the Law on the turnover.
Furthermore, in accordance with the mentioned federal rule, privatization of land plots and agricultural lands in public or municipal ownership is performed exclusively in accordance with the procedure established by federal legislation.

5. The Right to Purchase as an Element of a Land Lease Contract

Paragraphs 4 of articles 9 and 10 of the Law on the turnover provide the possibility for the lessee to purchase a land plot from the lands of public property provided there is no violation of land legislation.
This right is formulated solely in relation to leases, is reimbursable, that is, does not fall under the possible definition of privatization under two criteria: an additional element of another legal relationship; a compensatory nature.
Consideration of this possibility to purchase seems more appropriate compared to other unique legal order of countries with a common system of law.
Ireland and Israel are good examples. In the first case, due to historical reasons for the confrontation with England, a dualistic ownership of land was established: retained by the landlord and purchased from the tenant [10]. In the case of Israel, the right to purchase is in fact prohibited. 93% of all the land in the country are state-owned, which are jointly owned by: the state (69% of all lands), the Development Office (12% of the land) and the Jewish National Fund (12% of the land) [11].

Land lease forms the basis of private land ownership, due to its long-term character – 49 years. This term is a comparative phenomenon, incorporated from an ancient Jewish law, inter alia by the land law of the Russian Federation (Torah, Book of Vaiikro, Weekly Behar Portion, Chapter 25, articles 8-10) [12]. This right of the lease can be renewed for the same period [13].

Nevertheless, since the lease of a land plot from the lands of public ownership is a proprietary right, and not an obligation, [14] the possibility of inclusion (non-inclusion) of the right to purchase the land plot in the land lease contract should not be the discretionary power of the lessor. This condition should be included in the subject of the auction of the right to lease a land plot, affecting the initial value of the lot. A lease is a commitment relation. Whereas, lease with the right to purchase is a proprietary right to the land. Therefore, it is permissible to regulate the first group of relations by land legislation, while the second should be governed primarily by civil legislation, thereby preventing the possibility of abuse at the local level and terminating the doctrinal discussion on the problem of the relationship between land and civil regulation.

Thus, the following authors advocate priority of civil law: Golosova [15], Aleksandrov [16], who indicate that the rules on property relations can be included in the land legislation, but must comply with civil regulations [15]. Krassov [17], Erofeev [18] and Ryzhenkov [19] think otherwise – they advocate the priority of land law over civil law in the regulation of legal relations with the land.

Regardless of the above, the right to purchase a land plot in the lease of publicly owned lands requires substantial modernization, which should begin with the inclusion of the right to purchase in the subject of the auction when the land plot is leased. This inclusion will allow performing a full-fledged land control on a legitimate basis, which, undoubtedly, will affect the overall level of farming.

To date, the provision of paragraphs 5.1 and 7 of article 10 of the Law on the turnover will provide a normative basis for such inclusion, according to which a land plot formed from unclaimed shares and converted into municipal property can be purchased by a person using it at a price not exceeding 15 percent of its cadastral value. And this is exactly the price to be fixed by the Law on the turnover in case of transformation of other rights in rem (permanent (perpetual) use, lifelong inheritable possession) to the right of land ownership. Thus, if the law assumes the possibility of purchase a land plot by a land user in the event of evolution of the unclaimed shares into an independent public property plot, then other normative regulation cannot deny the possibility to purchase a leased land plot from public land at the same price. This approach implements the principle of equality. The arguments that the example given regulates the return of land from the privatized state to public property and therefore gives preferences, cannot be taken into account in this case. Such an argument is subject to rejection since the time past from privatization of the 1990s is not sufficient for changing the generations of land users and in fact these are the same persons: participants in privatization of the 1990s and those deprived of the opportunity to purchase a land plot in public property with its long and diligent lease.

6. Conclusion

The above study allows formulating the following research results as conclusions.

First, the term "privatization of a land plot for agricultural use" is not synonymous with the concept of "providing a land plot" (neither for free nor for a fee);

Secondly, the absence of a semantic distinction among these concepts makes it possible to apply them in a mixed way: to apply rules on purchase in case of a right to privatize, and to state the absence of the right to privatize in case of protection of the right to purchase;

Thirdly, considering the prevailing nature of regulation the relations on the turnover of agricultural land, the void expectation of legislative consolidation of the meaning of these terms should be mentioned;

Fourthly, it is required to form an independent law enforcement practice on privatization of agricultural land wherever the regional legislation allows and an independent practice for the purchase of land provided on lease terms. Only the lawful opposition of the considered entities will allow eliminating the existing inequality in the right to privatization between the already-granted provision of land into private ownership and the actual refusal to transform public ownership into private property in the current regulation.

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