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Trends in state regulation of agrarian relations in Russia: experience, problems, and prospects

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Abstract. The article discusses the features of the Russian model of legal regulation of agricultural relations. The relevant experience is analyzed in historical retrospect using the historical-comparative method. With the help of the formal legal method, the research shows the feature of the rules of law governing agricultural relations. On the basis of the revealed regularities, the recommendations applicable in contemporary conditions are formulated. The article notes that the agricultural issue in Russia in all ages was among the most acute, which was determined by the traditional agricultural nature of the domestic economy. The article deals with the periodization of the dynamics of state regulation of agricultural relations. The fact of significant changes in approaches to the regulation of agricultural relations on the part of the state is used as the basis of periodization. There are five stages in the development of state-legal regulation of agricultural relations. A brief description of each stage is given, and their features are shown. The main attention is paid to the contemporary stage of development in agricultural relations. The authors' position on the legality of the allocation of agricultural law as an independent complex branch of law is shown. Contemporary tendencies, problems, and prospects of development of agrarian law in contemporary Russia are discussed. It is concluded that the effective and rational legal regulation of agricultural relations should be aimed at the preservation and development of land and land use as the basis of all economic activity in the agricultural sector. In the context of global turbulence and increasing threats to national security, the effective development of the agricultural sector of the economy is a strong guarantee of Russia's prosperity.

1. Introduction

In modern conditions, the analysis of the problems of regulation of agrarian relations seems relevant from the point of view of both theory and practice. The agrarian question has always been one of the most acute in Russia and had an important economic and social significance due to the traditionally agrarian nature of the domestic economy, which persisted until the large-scale industrialization of the first half of the twentieth century. The last quarter of the twentieth century became in our country a period of strong decline in agriculture, its large-scale degradation in a number of areas, such as the Non-Black Earth Region.

Today, the agrarian sector of Russia is going through a revival stage. But a number of outstanding issues remain, including in the field of agrarian law. For example, the issue of the implementation of



the constitutional norm with respect to the right of private ownership of land has not been resolved. All this actualizes the need to turn to the study of the historical experiences of solving the agrarian question with the help of legal norms.

2. Methods

The study of issues of state regulation of agrarian relations requires the application of the historical-comparative method, which allows one to compare government policy in the agrarian sector at different stages. The second step is to, on this basis, identify the features of current trends in the field. Since the state regulation of agrarian relations is carried out in legal form, it is necessary to apply the formal legal method.

3. Results

State regulation of agrarian relations in the history of Russia is a complex process, which is proposed to be considered within several historical stages. As a basis for periodization, it is proposed to accept the fact of a significant change in the approaches to the sphere of agrarian relations on the part of the state, which received clearance by adopting new sources of agrarian law. It is logical to accept the beginning of the formation of the Russian Empire as the lower time limit of the study, which was legally established in 1721. Agrarian relations in the pre-imperial period are of scientific interest exclusively in historical and theoretical terms.

The first stage in regulation of agrarian relations is from 1721 to 1861. At this stage, the basis of the legal regulation of agrarian relations lay such determining factors as the landowner land ownership and serfdom. Landlord ownership of land in the European part of the country at that time prevailed. The treatment of land belonging to the landowners was made by the serfs. As for peasant land use, it was carried out within the framework of a rural community that was supported by the state and performed many important functions, including tax collection.

The second stage is from 1861 to 1917. The abolition of serfdom by the Manifesto in 1861 can be characterized as an agrarian revolution, it defined the transition to a new model of regulation of agrarian relations. In connection with the abolition of serfdom, some important issues could be noted, such as the redemption of landlords' land by the peasants and the state crediting of the redemption operation, a change in the legal status of the peasants who received personal freedom, etc.

The abolition of serfdom was carried out not as a result of the rise of the revolutionary struggle of the peasant population of the country, but at the initiative of the ruling circles. It was a "radical reform, in effect, meaning the restructuring of the very foundation of state power and the state system" [4, p. 604]. In the area of finance, it entailed the creation of the State Peasant Land Bank and the State Noble Land Bank as credit institutions that serviced the redemption operation and mortgage lending to landowners against the security of land [1, p. 195].

The third stage begins with the revolutionary events of 1917 and continues until the adoption of the Land Code of the RSFSR in 1922. This stage is associated with the adoption of such an important act as the Land Decree. This decree included the Peasant Order and proclaimed the abolition of landowner ownership of land and the transfer of all land to the use of working peasants. The important political significance of the Land Decree was determined by the fact that the unresolved agrarian question was one of the main reasons for the revolutionary events of 1917 [3].

The fourth stage begins with the adoption of the Land Code of the RSFSR 1922. The role of this legislative act in the development of regulation of agrarian relations is determined by the following important points.

First, the Land Code was the first codified act of our country in the field of agrarian relations. Its adoption meant the formation of agrarian legislation as a branch of legislation and the formation of agrarian law as a branch of law. Second, the Land Code secured state ownership of land, abandoning the main idea of the Land Decree of 1917. Third, if we analyze the Land Code in conjunction with the

norms of the 1922 Civil Code of the RSFSR, it becomes clear that the land was withdrawn from civil circulation, and any transactions with the land were prohibited. The nature of regulation of agrarian relations actually became administrative, and the methods of regulation of these relations became imperative.

The basic principles of legal regulation of agrarian relations, as established by the 1922 Land Code, remained in their main characteristics practically throughout the entire Soviet period. Researchers believe that during this period “administration in the field of land use most often led to simplification of legal regulation of agrarian relations and was limited mainly to regulation of the procedure for granting and withdrawing land, defining rights and obligations for processing and protecting land” [5, 309].

With regard to the stage under consideration, the following characteristic trends can be identified:

- A gradual increase in the number of regulations that were adopted for the purpose of regulating relations in the agrarian sector of the economy;
- Progressive detailing of the main aspects of the normative regulation of relations in the agrarian sphere;
- Forced introduction of collective forms of land use in rural areas;
- Legislative securing of the provision of land for use only to workers;
- Implementation of the principle of the targeted land use.

The fifth stage in the history of legal regulation of agrarian relations in Russia begins in the 1990s. Its beginning is associated with the implementation of the large-scale land reform and the adoption of the Constitution of the Russian Federation in 1993. The main law proclaimed the right of private ownership of land, which theoretically should have led to a change in the whole model of legal regulation of agrarian relations. The methods of regulating relations in the agrarian sphere have fundamentally changed. The land has again become the object of civil law relations connected with its sale, lease, etc.

The main trends characterizing the stage in question include, first, the establishment of private ownership of land; second, along with the possibility of using land as an economic resource, awareness of the need to save and protect it.

The basic sources of legal regulation of agrarian relations at this stage are the Land Code of the Russian Federation and the Civil Code of the Russian Federation. The correlation of the norms of these sources of law gives rise to a scientific-theoretical problem, which also has a pronounced practical value. It arises from the question of the ratio of the norms of agrarian and civil legislation.

Another important problem of a theoretical-legal nature is to determine the place of agrarian law in the legal system of the Russian Federation. The existing scientifically based positions can be shown in the following form:

- Agrarian law is an independent branch of law that has its own subject and method of regulation;
- Agrarian law regulates only part of agrarian relations, and the second part is governed by civil law; therefore, it is premature to raise the question of the existence of agrarian law as an independent branch of law;
- Agrarian law does not form a branch of law, as it is a part of natural resource law and thus forms a part of environmental law; in this case, environmental law can be considered as an independent complex branch of law [2, 31].

It seems that it is quite possible to raise the question of the existence in the Russian legal system of agrarian law as an independent complex branch of law. In our opinion, at present, agrarian law occupies its unique place in the legal system of the Russian Federation. However, it should be borne in mind that certain relations in the agrarian sphere are governed by administrative, civil, and even criminal law. This fact determines the complex nature of agrarian relations.

Contemporary conditions require research and solutions and other important issues directly related to agrarian relations. These include the legal nature of agrarian relations, the correlation of agrarian legislation with water, forest, and environmental legislation, the creation of a regulatory framework for the full realization of the right to private land ownership, and the optimization of land use and protection [5, p. 321]. No less acute is the aspect of rational use and saving of land as the wealth of the multinational people of the Russian Federation.

In contemporary conditions of developing market relations in the economy, the commercial component is often dominant over the principle of land protection as a national wealth. This situation makes it necessary to raise the question of the expediency of strengthening the legal responsibility for violation of the agrarian and environmental legislation. There is a need to create such legal conditions that make the economic benefits of land use dependent on the careful handling of land and compliance with all requirements of environmental legislation.

The dynamics of state regulation of agrarian relations occurs at the present stage in the conditions of the following trends:

1. Land legislation is actively developing, quite often amendments are made to the Land Code of the Russian Federation;
2. State regulation of agrarian relations in our days is evolutionary, without a sharp change in the main vector;
3. The development of agrarian law occurs in close relationship with related branches of law.

Further prospects and directions of development of state regulation of agrarian relations are determined by the following tasks:

- The need to ensure public interest in the implementation of land use;
- Creating an effective legal regime of lands that are in municipal ownership;
- Restricting unlawful interference of state bodies in the legal activities of the subjects of agrarian relations;
- Achieving an optimal balance of imperative and dispositive regulation of agrarian relations.

Efficient and rational government regulation of agrarian relations implies the preservation and development of land and land use as a necessary basis for all economic activity in the agrarian sector, as a condition for Russia's survival in the context of global turbulence.

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