



UDC 631.11:332.21(479.25)

Peculiarities of Territorial Land Tenure in Conditions of Community Enlargement

L. G. Tovmasyan

Armenian National Agrarian University

tovmasyan1993@mail.ru

ARTICLE INFO

Keywords:

*territorial land tenure,
plot management,
cadastre,
consolidation,
efficient land use*

ABSTRACT

The article considers the peculiarities of territorial land tenure organization based on the example of enlarged communities in Lori marz. Upon the results of the surveys the issues of quantitative changes in the boundaries of the administrative territorial units and their impact on the efficiency increase of land tenure have been assessed. The changes in consolidation coefficient of the community plots and their impact on the economic indices of land utilization have been studied.

To improve the land tenure efficiency it is recommended to amend the RA SCREC decision No. 186-N 2010, which will promote the elimination of various planning and cartographic errors in the cadastral maps and plans.

Introduction

Territorial land tenure is a type of land tenure through which the land fund of administrative units is organized for their targeted and efficient utilization. It is a process and a system of measures to be taken so as to organize, own, use, possess and preserve land areas in various sectors of the economy by means of proper land use organization, regulation, conversion, alienation, land and legislation registration and other land cadastral functions (Yezekyan, Efendyan, 2008).

One of the main objectives of the territorial land tenure is to plan the system of land users or landowners in a way so as to meet the economic, legal and environmental land requirements as set by land legislation and other land-related legal acts (Land Code of the Republic of Armenia, 02.05.2001). Odzun enlarged community in Lori Marz was founded in 2017 as a results of the elections held by the local self-governing bodies. Due to the extension reforms Odzun enlarged community was formed comprising the following rural communities with

their administrative and territorial units: Odzun, Arevatsag, Mghart, Hagvi, Aygehat, Tsater, Ardvi, Karmir, Aghek and Amoj. Prior to the extension individual communities within Odzun community, except for Odzun and Arevatsag communities, had a population of less than 500 people. One of the main issues which the newly- established community faces as a result of the extension process is the community land fund registration, which implies obtaining necessary and reliable information on the natural state of the land fund enabling to create the necessary conditions for solving the issues related to the efficient land use. Priority issues include the regulation of land relations and land use, enhancement of investment programs efficiency, development of new land use and preservation programs, assessment of the effectiveness of land users' economic activity, ensuring operative and sustainable land rotation, providing a fair resolution to land-related arguments, provision of necessary land cadastral information to landowners and land users, adjustment of cadastral assessment indices, etc.

Materials and methods

The registration of RA citizens' real estate or any other property rights and the legal and economic consequences thereof are stipulated by the Constitution (RA Law on "State Registration of Property Rights"). However, for the implementation of this process such conditions must be created, so that the constitutional right of state registration, as well as the rights and obligations arising therefrom could be realized. In the established enlarged communities, the solution of this problem is considered to be a top priority and needs urgent resolution.

To understand the complexity of the problem resolution, it is necessary to analyze the dynamics of primary registration process in real estate. It is known, that for the first state registration it's necessary to submit the document certifying the right on ownership (excerpts from the decision of the Local Commission for Land Reforms and Privatization, Land Use Certificates, Community Leader decisions, Council of Elders Decisions and other statutory documents) to the State registration authority i.e. real estate plan is needed confirmed by the community leader, as well as the decision of the community leader on restoration of the land allocation bases. After compiling all the necessary documents, the citizen applies to the RA SCREC Customer Service Office adjunct to the government and within four working days receives the Certificate of Real Estate Ownership or a decision on the State Registration rejection. However, due to socio-economic conditions, this process is actually quite complex as the residents of rural communities have very limited social opportunities, and in many cases they avoid the process of state registration. Our research aims to identify the problems encountered during the first state registration of real estate and recommends some ways to overcome them.

The subject of the study was the content of decisions made by Odzun community on recognizing the ownership rights of the citizens related to the first state registration of residential lands and construction sites. Another important issue is the improvement of the land resource management mechanisms in the enlarged communities. One of the most important indicators of territorial land tenure in Odzun community is the community consolidation, which is characterized by consolidation coefficient. It is determined through the following formula:

$$K = \frac{P}{P_1}, \quad (1)$$

where K is the consolidation coefficient, P_1 - is the squared perimeter of the same area, which is determined through the following formula:

$$P_1 = 2\sqrt{S}. \quad (2)$$

Results and discussions

As a result of the study of the peculiarities in territorial land tenure at the Odzun enlarged community it has been revealed, that state and local government systems aimed at the effective land resource management operate in Armenia. The systems of the local government and their legally set functions have been formed ever since 1996 (RA Act on Local Government, 1996). However, our investigations show, that the regulation of land relations in new conditions depends not only upon the laws, systems and availability of legislative framework, but also on the citizens' mentality and the way they conceive the land and real estate ownership legislation.

Anyway, in order to increase the efficiency of land resource management a number of mechanisms should be contributed to the economy aimed at land relations organization providing the land policy implementation in conditions of the market economy, protection of the land ownership, possession and utilization rights, conduction of a fair tax policy and preservation of land as a natural wealth. Surveys show that the cadastral maps contain a number of errors related to the overlapping of the citizen's house or land property rights with those of another citizens again recognized by law. Therefore, amendments should be made both in the Cadastral maps and in the registers. The requirements of the Decree No. 186-N, 2010 of the Chairman of RA SCREC should be considered as the grounds for elimination of the revealed errors, according to which the written agreements on behalf of the stakeholders ought to be considered (Decree of the RA SCREC Chairman on Approval of the Decree of Correction of Errors in Cadastral Plans and Maps No. 186-N). If this is impossible the problem should be solved in court not to break the ownership right of the citizens. In conditions of the market economy we consider that economic mechanisms and their efficiency are of utmost importance. Some of the particular regulators among the economic mechanisms are: land tax, payment, pledge value, cadastral price, normative price, market price, various fines for land environment exacerbation and so on. By means of such mechanisms, a number of land relation problems are resolved.

Thus, efficient distribution of land resources among different land users are provided, equal conditions are created between the landowners and land users, the land economic value increases and the incomes of the farmers grow up, as well as favorable conditions are created for enhancing the efficiency of investment policy. Odzun heavily-populated community, formed on November 10, 2017, and comprising 9 settlements, is located on the left bank of the Debed River, at an altitude of 1125 m above the sea level, 8 km southwest from Alaverdi town. The distance from the territorial center is 47 km. The administrative area of the community is 16659.44 hectares, with a population of 7995 people as of January 1, 2019. The land balance is shown in the figures.

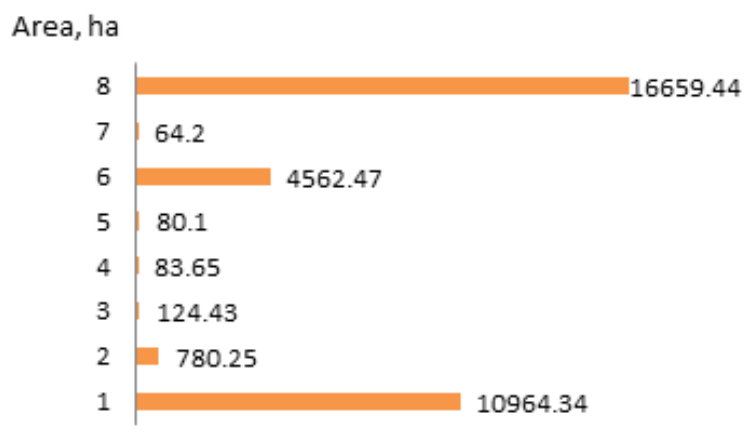


Figure 1. Odzun community land fund per its target use (composed by the author).

1 agricultural lands, 2-settlements, 3-industry, mining lands, 4-transport, communication 5-specially protected, 6-forest, 7-water, 8-total.

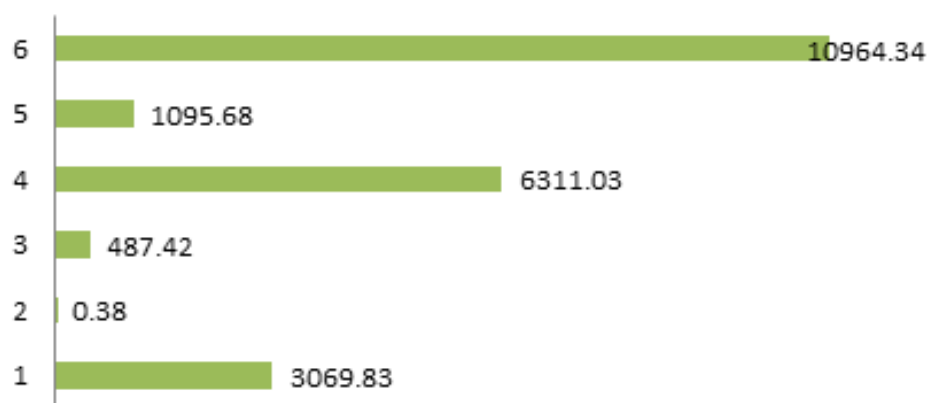


Figure 2. Structure of agricultural lands in Odzun community (composed by the author).

1-arable lands, 2-orchards, 3-grasslands, 4-pastures, 5-other land types, 6- total.

Surface, hectar

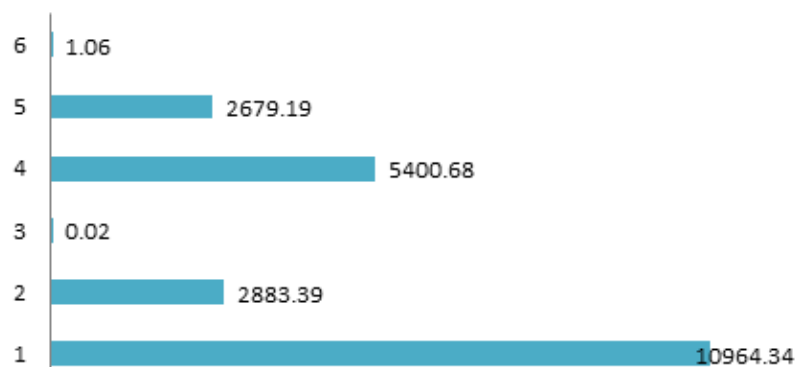


Figure 3. Structure of agricultural lands of Odzun community per equity entities (composed by the author).

1-total, 2-citizens, 3-legal entity, 4-community, 5-state, 6-special status.

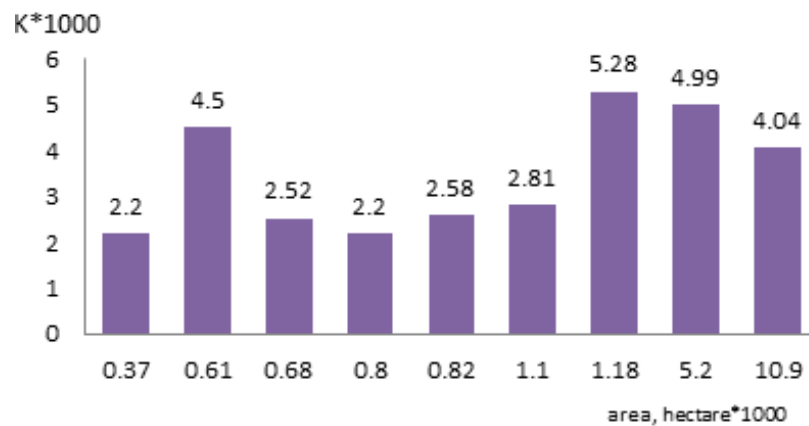


Figure 4. Dependence of the consolidation coefficient upon the area of the administrative sites in the individual communities within Odzun enlarged community (*composed by the author*).

Perimeter, km

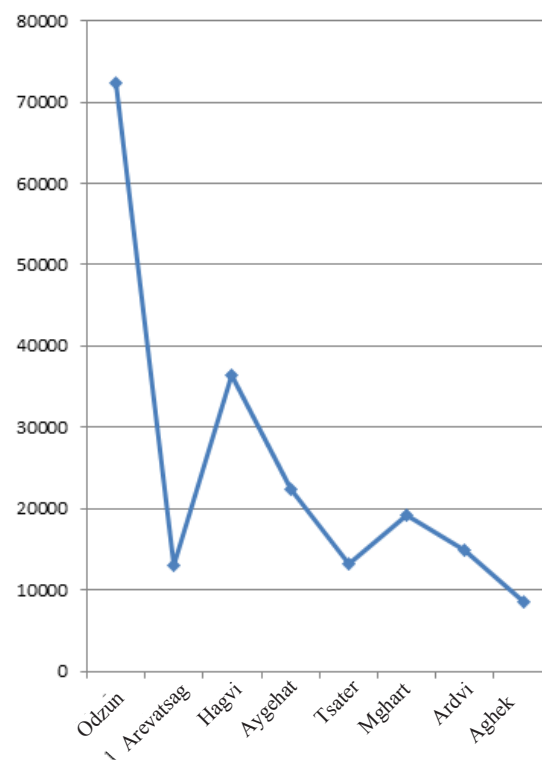


Figure 5. The extension of the individual administrative boundaries included in Odzun enlarged community (*composed by the author*).

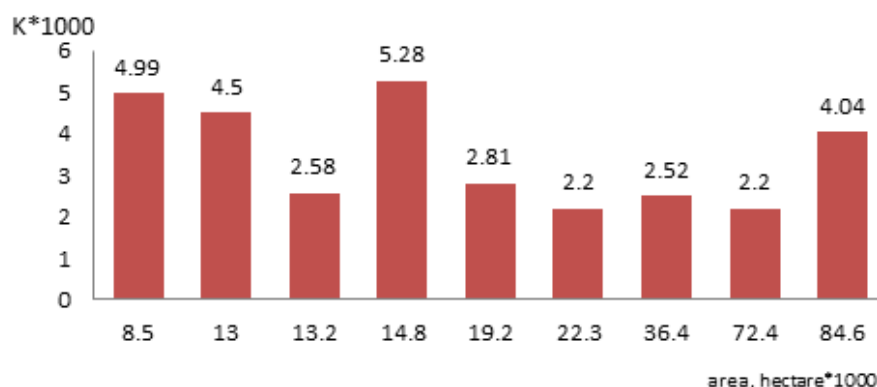


Figure 6. Dependence of the consolidation coefficient of the individual administrative regions included in Odzun enlarged community upon the perimeter of the individual administrative boundaries. (composed by the author).

From the analysis of the diagrams in the figures 4, 5 and 6 it becomes clear, that the alteration of consolidation factor of separate communities involved in the Odzun extended community, depending on the perimeter and surface of administrative boundaries undergoes respective changes from 2.2 up to 5.28, which means that the consolidation factor of the enlarged communities deviates by 3.7-times on the average. This circumstance can have an essential impact on the land utilization efficiency.

Conclusion

After the enlargement of the Odzun community the perimeter of its administrative boundary made 84646 m. Before the enlargement, the extension of the administrative boundaries of individual communities was 200011 m, which means that after the enlargement the administrative boundaries of the community were reduced in 2.4 times. Under the same circumstance the coefficient of consolidation ranges from 2.2 to 4.9. The average consolidation coefficient made 3.3. From the economic perspectives it turns out, that the expenses paid

for the borders' description can be reduced at least in 2.4 times due to the community enlargement. To enhance the efficiency of real estate management and to regulate land relations in the enlarged communities, we recommend making amendments in the 2010 Decision 186-N of the State Committee on Real Estate which will enable to eliminate the flaws related to land ownership, land use and land registration as well as other types of planning and mapping errors in the cadastral maps and plans within the scope of the territorial land tenure.

References

1. Yezekyan, A.S., Effendyan, P.S. (2008). "Land Cadastre", Yerevan.
2. Land Code of the Republic of Armenia, 02.05.2001.
3. RA Law "On State Registration of Property Rights".
4. Decree of the RA SCREC Chairman on Approval of the Decree of Correction of Errors in Cadastral Plans and Maps No. 186-N.
5. RA Act on Local Government, 1996.

Accepted on 05.11.2019

Reviewed on 18.11.2019