

UDC 502.33 (347.23+330.11)

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DEVELOPMENT OF PROPERTY RELATIONS AS A BASIS OF NATURAL RESOURCES RATIONALIZATION

The necessity of rational usage of Ukrainian natural resources, restoration of their qualitative condition and safety for prevention of depletion, pollution, degradation on the basis of property relations improvement in nature management is considered in the article. The influence of the level of productive forces development and property relations in the use of natural resources on the structure of the use of natural resources, their economic and ecological state is determined. The necessity of normative and legislative consolidation of the development of forms and economic content of property rights to natural resources, as well as information support of the effectiveness of their functioning, is substantiated. The role of scientific research in the development of property relations on natural resources and their impact on the effectiveness of activities for the use, protection, reproduction and restoration of natural objects is defined.

Keywords: property rights, natural resources, rational use, forms of ownership, territory, qualitative characteristics, codex.

РОЗВИТОК ВІДНОСИН ВЛАСНОСТІ ЯК ОСНОВА РАЦІОНАЛІЗАЦІЇ ПРИРОДОКОРИСТУВАННЯ

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У статті розглянута необхідність раціонального використання природних ресурсів України, відновлення їх якісного стану та збереження для запобігання виснаженню, забруднення, деградації на основі вдосконалення відносин власності в природокористуванні. Визначено вплив рівня розвитку продуктивних сил і відносин власності в природокористуванні на структуру використання природних ресурсів, їх економіко-екологічний стан. Обґрунтовано необхідність нормативно-законодавчого закріплення розвитку форм і економічного змісту прав власності на природні ресурси, а також інформаційне забезпечення ефективності їх функціонування. Визначено роль наукових досліджень в області розвитку відносин власності на природні ресурси та їх вплив на ефективність діяльності по використанню, охороні, відтворенню та відновленню природних об'єктів.

Ключові слова: права власності, природні ресурси, раціональне використання, форми власності, територія, якісні характеристики, кодекс.

**РАЗВИТИЕ ОТНОШЕНИЙ СОБСТВЕННОСТИ КАК ОСНОВА
РАЦИОНАЛИЗАЦИИ ПРИРОДОПОЛЬЗОВАНИЯ**

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В статье рассмотрена необходимость рационального использования природных ресурсов Украины, восстановления их качественного состояния и сохранности для предотвращения истощения, загрязнения, деградации на основе совершенствования отношений собственности в природопользовании. Определено влияние уровня развития производительных сил и отношений собственности в природопользовании на структуру использования природных ресурсов, их экономико-экологическое состояние. Обосновано необходимость нормативно-законодательного закрепления развития форм и экономического содержания прав собственности на природные ресурсы, а также информационное обеспечение эффективности их функционирования. Определена роль научных исследований в области развития отношений собственности на природные ресурсы и их влияние на эффективность деятельности по использованию, охране, воспроизводству и восстановлению природных объектов.

Ключевые слова: права собственности, природные ресурсы, рациональное использование, формы собственности, территория, качественные характеристики, кодекс.

Statement of the problem. Ukraine as a whole and its individual territories are characterized by the availability of a natural resources variety that are interrelated. Depletion, pollution, degradation of one resource can lead to the destruction or reduction of the qualitative and quantitative characteristics of another natural object. One of the ways to improve the efficiency of nature management is to mend the ownership of natural resources [6, с. 49].

Only one part of the Ukraine territory do not experience production loads, but under the influence of anthropogenic factors, many natural resources are destroyed. Small lakes and estuaries dry and swamp, sea resources wash off the beach areas stripes, surface relief is deformed by the harmful effect of hydro-namines, which destroy the fertile soil layer.

At the same time, one of the acute problems is the legal consolidation of forms and ownerships of natural resources, which aimed at improving production relations in the nature management economy.

Ownership of natural resources is determined by rational use in production, restoration of initial qualities, economic conditions and legally justified ways of appropriating a natural resource and income from its usage, as well as the way, technologies and necessary factors of production, volumes and intensity of natural object usage, relevant activities and its financial and technical support.

Analysis of recent researches and publications. The problems of formation the property relations on natural resources were and remain the most controversial and studied in the writings of such outstanding scientists like S. Mochernyi [8], V. Rybalkin, I. Diemientiev [2], M. Kolesov [5], V. Loskutov [6], R. Kouz, D. Babmindra, V. Borysova, O. Veklych, B. Danilishin, S. Dorogunzov, I. Karakasha, L. Novakovskiy, P. Sabluk, Yu. Stadnytskyi, M. Chvesyk, A. Chupis and other.

Statement of the task. Property relations with natural resources are fundamental in the system of economic relations and determine the efficiency of production, distribution, exchange and consumption in society. Forms and property rights in nature management are system-forming in determining the directions and methods of the impact of economic activities on the natural environment, the formation of socio-ecological constraints (permits, licenses) in the region of their usage. The use of natural resources determines their distribution of ownership by industry production, because natural resources are multifunctional initially and there is always a question, which sector of the economy should be preferred – to develop the extraction of natural resources or develop recreation, tourism on this territory.

Distributions of income received, profits derived from the natural resource usage are also determined by forms and ownership rights: whether to direct profits to the protection of a natural object or to use it in another way. Therefore, it can be argued that property relations are fundamental in the organizational and economic mechanism of nature management and they determine the effectiveness of using natural objects at the level of the state and regional entities.

For the purpose of rational use, protection, reproduction and restoration of natural resources, introduction of new natural resources into economic circulation the article set goals Consideration of possible solutions the issues of inconsistency in changes in the ownership forms of natural resources by the example of water fund lands.

Statement of the main material of the research. As is known property is a complex scientific category and is a single whole of its two constituents – legal and economic. These two aspects of ownership are inextricably linked and determine the effectiveness of the nature management implementation. Many scientists argue about the primacy of legal or economic manifestations of property relations. In our opinion, the primary is the socio-economic-ecological relationship of natural resources ownership, which is further expressed in legal securing and regulatory support. Of course, these two sides of property cannot exist without each other, they are interdependent and interrelated. Nevertheless, the legal consolidation of property relations should have a clear economic content, taking into account the social and ecological consequences of the impact on the environment state, influence of the activity of this subject on the state of own and other natural resources, other economic entities, life and health of people.

Let's stop more detail on the legal property relations on land water resources and their economic content.

The composition and purpose of the lands of Ukraine is defined by Chapter 4 of the Land Code of Ukraine [3, p. 2]. To one of the categories of land defined by Art. 19 of this Code [3, p. 1], the land of the water fund are assigned.

Thus, the lands of the water fund include lands occupied:

- seas, rivers, lakes, reservoirs, other water bodies, marshes, as well as islands not occupied by forests;
- hydrotechnical, other water management structures and canals, as well as lands allocated for the right-of-way;
- coastal strips of waterways;
- coastal protective bands along the seas, rivers and around water bodies, except for lands occupied by forests.

It should be noted that for land plots occupied by coastal protective strips, there is a restriction in their usage. In particular, on the said lands activities that adversely affect or may affect their condition and are contrary to their purpose is forbidden: plowing of lands (except for the preparation of soil for meadows, forests), as well as horticulture and gardening; storage and usage of pesticides and fertilizers; arrangement of summer camps for cattle; construction of any structures (except hydraulic, hydrometric and linear), including recreation centers, cottages, garages and car parking areas; washing and maintenance of vehicles and equipment; arrangement of garbage dumps, manure storages, liquid and solid waste storage tanks, cemeteries, cattle cemeteries, filtration fields, etc.

The lands of the water fund can be in state, municipal and private ownership [3, p. 2].

According to Art. 6 of the Water Code [1, c. 1] water (water bodies) are exclusively the property of the Ukrainian people and are provided only for use. An exception is closed natural water bodies (with a total area of up to 3 hectares) that can be transferred free of charge to legal entities and citizens by decision of the executive authorities or local self-government bodies [3, p. 2].

The part 4 Art. 59 of the Land Code of Ukraine [3, p. 2] allows the bodies of local self-government and the executive power to conclude with the relevant persons contracts for the lease of a land plot from

the lands of the water fund (including coastal protective bands). At the same time, the norms of this article do not exclude the construction of buildings on these land plots by the leaser. The direct norm in this matter is Art. 61 of the Land Code of Ukraine [3, p. 2], which establishes a ban on the erection of any structures, including recreational facilities, dachas, garages and car parking, except for hydraulic, hydrometric and linear structures. Building itself hydraulic structures and is a «cornerstone» in the practice of erecting such structures, as experience shows, it is «hidden» building with acceptable living conditions, which, as a rule, is subject to further demolition.

The situation when on the land plot of the water fund, which can only be on the right of use with the restriction of construction, the location of buildings of any form of ownership, incl. and private is not a rare case. «Start Limited» and «Zhemchuzhina» have leased the territories on the Arcadia beach areas and «Portofino» restaurant hotel complex has located since 2007. The largest plot is leased by the company «Trinita» – 0,93 hectares, the smallest – by LLC «Epicenter». The Department of Engineering Protection of the City Council handed to firms a «complex of bank protection structures in the form of an artificial beach» under the contracts. Nothing can be built or installed on this territory formally, except sun loungers and beach umbrellas. Although, these condition everywhere is violated [4, p. 1].

Thus, Part 1 Art. 120 of the Land Code of Ukraine [3, p. 4] provides that in case of acquisition of ownership of buildings (structures), owned (used) by another person, the right of ownership (usage) of the land plot, on which these objects are located is terminated. That is, the right on a land plot or a part thereof passes to the person who acquired the ownership of the building. Concerning the concept of «acquisition of ownership», the building is acquired by alienation, and not constructing it on a leased land plot. In this case, in the recommendations of the Supreme Economic Court of Ukraine [9, p. 1-2] it is provided that the emergence of the right of ownership of the real estate object not on the basis of the contract of alienation does not entail an unconditional transfer of land plot ownership under this object in fact. In such cases, it becomes necessary to conclude separate civil legal transactions between the owner of the land plot and the owner of the structure. However, this option does not solve the pressing problem, but only complicates the procedure for developing forms of ownership of natural resources.

Another important issue is the establishment of coastal protective bands. It is known that the establishment of coastal protective bands is carried out for individual land management projects. At the same time, the width of the coastal protective band depends on the boundaries of settlements. In particular, in accordance with Part 5 Art. 88 of the Water Code of Ukraine [1, p. 4] within the existing settlements, the coastal protection zone is established taking into account the town planning documentation. In addition, it should be noted that in accordance with the Law of Ukraine «On the regulation of urban development» [10, p. 1-4] town planning documentation is recognized as approved text and graphic materials on the regulation of planning, development and other uses of the territories. Such documentation, in particular, includes the master plan of the settlement. At the same time, an integral part of the master plan of the settlement is a plan for the land and economic system is a kind of documentation for land management.

Therefore, proceeding from the aforementioned legislative provisions and the need to develop a plan for the land and economic system as an obligatory component of the master plan of the settlement, it is inappropriate to establish coastal protective bands exclusively for special land management projects [11, p. 1].

The owner or user can use the natural object rationally or irrationally. The term «rationally» means minimizing production and non-production losses of a natural resource, reducing the natural resource intensity in the production of products in the process of using natural factors of production.

Naturally, to rationalize the use of natural resources, it is necessary to conduct economically justified measures concerning the processes of acquiring property rights and using in the legislative sphere of nature management [7, p. 61]. Such events may be:

– scientific justification and principles for determining the need to develop and incorporate new coastal recreational areas into economic circulation to create comfortable conditions for rest and treatment of the population;

– carrying out nature restoration works (shore strengthening) and works on the reproduction of coastal recreational areas (plantations, breeding of valuable or endangered species of wildlife) in the coastal zone.

Directions of management state improvement of property relations for natural resources in the coastal zone must be linked with the solution of the complex of tasks:

– creation and maintenance of complex economic and ecological cadastres of recreational coastal zones with the reflection of changes and their implementation in the field of restrictions and encumbrances of construction of structures in these territories;

– development of a state system and regional monitoring of the implementation of socio-economic and environmental constraints or their violation in the coastal zone;

– involving the public control over the use of coastal areas through information technology;

– imposition of penalties for the construction of coastal zones and their legislative consolidation;

– determination of penalties on the basis of the economic assessment of environmental damage to natural resources and socio-economic damage to business entities and households.

Conclusions of the research. Based on the foregoing, we can conclude that, the presence of the natural resources diversity on the territory of Ukraine, including recreational ones, causes the need for their appropriate use, restoration and preservation of their qualitative background.

The structure of natural resources, their economic and ecological parameters of a qualitative and quantitative state determine the level of productive forces development and property relations in the use of natural resources.

The process of state regulation of property relations to recreational coastal resources is ineffective as a result of imperfections in the existing legislative and regulatory framework, control by the government over the state of the resources under consideration and the adoption of mandatory measures to implement socio-economic and environmental restrictions on their use.

It is also necessary to develop an information system that provides control over the use of recreational natural resources, which should include changes в cadastre, monitoring, development of regulatory procedures for bringing perpetrators to justice, public approach to the control over restrictions observance in recreational coastal zones usage.

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