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Institutional principles for circulation of agricultural lands in Ukraine

Objective. Establish the structure of the institute and the institution of agricultural land circulation taking into account the principles that determine the basis for the formation and functioning of this institute. **Methods.** Historical, monographic, abstract-logical. **Results** The imperfection, and in some cases, the lack of institutional legal provision generates many problems in the field of agricultural land circulation. **Conclusions** For the proper functioning of the agricultural land management institute, we need to develop a well-balanced and scientifically grounded institutional provision of land relations in Ukraine.

Key words: institute, institution, principles, agricultural land turnover, modern land policy.

Formulation of the problem. Economic processes taking place in society are of an institutional nature, since they are determined by certain norms, have certain limitations and are carried out under certain rules. Therefore, the turnover of agricultural land is subordinated to certain institutional principles, which are formed under the influence of fundamentals of economic science and are aimed not only at the efficient use of land resources, but also on the efficient functioning of the agricultural sector of the economy. In spite of significant developments and a large number of studies, the problem of institutions requires a more thorough disclosure in the theoretical, methodological and organizational terms. Analysis of recent research and publications. The institutional component in economic theory began to form as a scientific direction in the early twentieth century. At the junction of such sciences as sociology, law, economics, psychology and philosophy. The fundamental principle of this direction is the assertion that institutions, as well as institutions, are an important system-forming component. These categories are often used recently, but there is no unambiguousness in the correctness of their use, because sometimes they are used as words synonymously or, conversely, as antonyms, and sometimes they generally complement one another. Therefore, we consider it necessary to find out the occurrence of these categories and determine their basic principles for the circulation of agricultural land. In order to understand the difference between the concepts of "institute" and "institution", it should first of all be taken into account that the term "institute" derives from the Latin "institutum", which means the establishment, introduction, custom, while the term "institution" comes from Latin "institutio"), "institutiones", so-called textbook. The first known institution was the textbook on civil law of Roman lawyer Guy (2nd floor of the 2nd century), it consisted of 4 books. Subsequently, there were other institutions. The study of the problems of institutes and institutions was devoted to such works as V. Hamilton, T. Veblen, D. North, Yu.M. Lopatinsky, GB Kleiner, R.M. Nureev, V.D. Yakubenko [1, 2, 4 - 7, 10]. Thus, the institutions are authorized to regulate the processes taking place in society and the state, as well as the corresponding structures created by the person for the use of the relevant institutions [3]. The purpose of the research is to highlight the issue of establishing the structure of the institute and the instigation of agricultural land circulation, taking into account the principles that determine the basis for the formation and functioning of this institute. **Research methodology.** Applied methods: historical - to study the evolution of the development of institutions and institutions, monographic - to determine the functions of institutions and conditions of institutionalization, abstract-logical - to determine the principles

of land legal institutions. Research results. Distinguish the institutes of economic, social, legal, hence all of them can be divided into: microinstitutions that determine the course of certain processes at the macro level; Mesoinstitutions, which extend their influence on mesoforms (branches, districts, etc.); Microinstitutions related to decision-making, activity and interaction of organizations (enterprises), as well as interaction between enterprises and those interested in their activities; Nano-institutions that determine the behavior of individual individuals. It should be noted that each institution establishes only its own functions, but it is possible to distinguish those that are acceptable to each of the institutes. Regulatory function - is to regulate the actions of individuals within a certain relationship with the help of norms, rules of conduct, sanctions. The function of reproduction, or else can be called its function of continuity, - thanks to it the institute passes experience, values, norms of culture from generation to generation. The integrative function is to unite the aspirations, actions, and relations that ensure stability in society. Communicative function - aimed at ensuring connections, communication, interaction between people through a certain organization of their joint activity. Effective function - is that the functioning of any institution is aimed at a certain result achieved through the use of certain tools. Security function - aimed at suppressing violated rights of participants of the institute. Control function - aimed at monitoring the process of functioning and the actual state of the institute, which is realized for the stated purposes. It is worth noting that institutes arise in society as a result of the institutionalization process. Institutionalization is the process of the emergence and establishment of institutions as key structural elements of society. Like any other complex social process, institutionalization is a long and gradual one, and the following conditions are required for its implementation.

1. Objective need, perceived in society as a universal, general social. Her satisfaction is possible only in the process of social interaction. If such a requirement becomes insignificant or disappears at all, then the existence of an institution becomes irrelevant. G. Lensky, a well-known American researcher in the field of sociology, identified the key societal needs that give rise to the process of institutionalization: the need for communication (language, education, communication, transport); The need for production of products and services; The need for the distribution of benefits and privileges; The need for citizens' safety in protecting their lives and well-being; The need to support the system of inequality (placement of social groups by positions, statuses, etc.); The need for social control over the conduct of members of society (religion, morals, law) [9]. Market transformations are characterized by the formation of new institutions, inherent in the conditions of functioning of the economic mechanism of the market economy type. On the one hand, the same need can create the existence of numerous institutions; on the other hand, each institution implements a set of basic needs for humanity, the establishment of norms and cultural values, and social experience. 2. The presence of a specific, specific cultural institution (subculture) institution - a system of values, traditions, defined norms and rules of conduct. Each institution has its own system of values and rules (normative expectations), which determine the purpose of its activities. Acting within institutions with specific social stances (statuses), these rules allow, propose or prohibit certain types of conduct, which makes people's actions expedient, coherent and unidirectional. For example, within the economic institute, the shadow economy, raiding, unfair competition is a violation of institutional (statutory) requirements. From this point of view, institutionalization is the society's acceptance of a group of cultural norms, values, standards that govern various aspects of human activity, contribute to satisfying needs, acceptable behavior. 3. Availability of the necessary resources (material, financial, labor, organizational), which society should steadily increase due to the investment in them and the training of personnel. Institutionalization is a process in which a certain social need begins to be understood as social social rather than private. For its implementation in society, special norms of behavior are established, relevant roles are formed, personnel are trained, resources are allocated. For example, the land reform in the early 90's of the last century was conditioned by the need to improve the agrarian sector of Ukraine's economy in view of the transition of the state's economy to market relations. As a result, work was done on developing a new normative and legal support for the reform process, creating appropriate structures for resolving issues that arose during the reform process, as well as defining a range of new functions in the work of existing structures, etc. The creation of an institution

leads to the need that arises in society, and then questions arise as to how to build such an institution? One of the options might be to create an institute based on its own experience, and the second option might be the import of institutions. Importing institutions means radical changes in formal rules and interactions structures of actors based on targeting already known patterns. AM Oliynyk distinguishes three main methods of borrowing institutions. First, the institutions can be built in accordance with the ideal theoretical model, that is, institutes are moving from theory to practice. Secondly, institutes can reproduce samples that were already in the history of a particular country, but disappeared in the process of historical evolution of the socialist world. Thirdly, institutes can be based on models of other countries [8]. The transformation of the old or the emergence of new institutions is the result of certain interactions between them, and therefore the institutions are called pro-institutions. This concept is echoed with the evolutionary position of F. Jacob, according to which "a new emerges from previously unnoticed connections of old material. Create - means finding a new combination of something old "[4]. The Institute for agricultural land circulation has existed since the land ownership. This institution is constantly changing, as certain processes are taking place in the society, aimed at improving the regulation of land relations. The basis for the formation and functioning of the agricultural land management institute are the principles that reflect the patterns, character, tendencies and certain rules of the development of land law institutions. The practical significance of the principles does not depend on them, but completely determined by the attitude of society to them.

In addition to the system-wide and structural principles of the development of law, we have identified the characteristic principles of land legal institutions: the objectivity and relevance of mechanisms and legal methods and their conformity to objective laws of social development; Combination of intersections of society, state, landowners and land users; Positive results of legal institutions subordinated to one purpose of rational use and land protection; A combination of features and properties of land in agricultural production, when the land acts as a spatial basis, a subject of labor, an instrument of production, and a major natural resource; Equality of ownership and guarantees of rights to land; Purposeful and rational use of agricultural lands; Priority of the requirements of ecological safety and sustainable development of rural territories; Predictability, predictability, consistency and expected prospects for the development of land legal institutions. In the structural plan, the agricultural exchange institute is divided into basic and derived components. Yes, to the basic ones include: rightfulness, legal personality, responsibility, management, right to land, labor. Derivatives include: valuation of land, terms of use and disposal, in particular lease, sub-lease, purchase-sale, mortgage, donation, inheritance, emphytevisis, servitut, concession, taxation. At the same time, the institutions of the obelization of agricultural land are: "rules of the game", traditions and norms, restrictions.

Conclusions

The Institute for agricultural land circulation exists within the framework defined by the legal institutions and social traditions. However, the institutions themselves establish standards, norms and rules that are reflected in the legal acts aimed at the uniqueness of perception and the only approach to the provisions specified therein about the economic turnover and circulation of land, the organization of rational use And the protection of land, the functioning of the market of these lands, the ecological safety of land use, etc. However, the imperfection, and in some cases, the lack of institutional normative-legal provision generates many problems in the area of agricultural land management. At the same time, certain existing legal norms, which contain the current legal acts, are not practical and can not be implemented, because the legal mechanism for their implementation is absent or, if any, has only a formal rather than obligatory character. Thus, institutionalized land management institutes, private property institutes for a land parcel (pari), and the Institute for the protection and rational use of agricultural land exist only in norms that do not provide for modern binding rules of conduct. The introduction of land into full economic circulation, the capitalization of land relations in the agrarian sector are made impossible by the lack of institutional development of the land market in Ukraine. Therefore, it is impossible to create new, innovative land relations and through them to enter a qualitatively new level of functioning of the agricultural land

management institute and promote the formation of a modern land policy aimed at rational utilization and protection of land without a well-considered and scientifically grounded institutional- National support of land relations in Ukraine.

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