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The role and place of the education subject „agrarian law” in the curriculum for training village specialists

At the current stage of the land ownership reformation the role of peasant in the process of agricultural production must constantly be growing. The most important role in providing the rural workers with the due living conditions, the unemployment overcoming, the improvement of social protection play in creation the new agrarian business entity, which is able to produce high-quality, ecologically, safe and competitive products. Therefore, the professional training of the highly professional agricultural specialists is getting more and more actual.

This task must be fulfilled by improving the teaching standard and the proper students acquiring the agrarian and legal knowledge in accordance with the modern trends of state policy in the agro industrial complex, achievements of the agrarian law science and perfection of its system.

The contemporary updated and improved curricula of agricultural higher educational establishments of modern educational programs on agrarian legal subjects first of all „Agrarian law” should be introduced.

Agrarian law is the complex specialized branch of law, which represents the internally interconnected system of legal rule provision. It regulates agrarian (land, property, labour, organizational, administrative) social relations in the agricultural sphere and the related activity [Козырь 2008: 69]. As a science the agrarian law of the Ukraine represents itself as the complex integrated specialized legal science, which is based on the agrarian legislation complex branch and the similar branch of law. It more over, comprises the system of knowledge about agrarian relations, agrarian law as the branch of law, its system, the matter and methods of the legal regulation, agrarian-legal norms and legal institutions, agrarian legislation as the system, its implementation and practicing the objective laws of its origin, which regulate agrarian relations from the legal acts normative, contents, functioning, interaction and the improvement trends [Бараї 2002: 14].

If the „Agrarian law” is determined to be the educational subject, it is necessary to note, that it belongs to the compulsory subjects to be studied at the law faculties and law institutions. In addition, this legal subject has an important value for the professional training of specialists for agriculture sector.

And besides, taking into consideration the peculiarities, which exist in the agricultural production process and labour, the professional training of law experts for the villages is acquiring the prime importance.

Therefore, the subject „Agrarian, land and ecology law” is studied in the process of achieving the master's degree by the students at all the faculties of the National university of life and environmental science of Ukraine, namely: land and agrarian management; agrobiolology; economics; machinery construction and design of agriculture and forest sector; mechanical and technological; power engineering and automations; quality, standardizations and products certification in agriculture complex; veterinary; fishery; pedagogical etc. The subject „Agrarian law” is studied to qualify the „Bachelor” degree students and for retraining of the specialists of environment protection and pedagogical and law faculties.

The main task of this subject, as professor M.I. Kozur notes is to study the legal regulation of the agrarian relations within the framework of the complex integrated branch of agrarian law [Козырь 2008: 316].

The system of agrarian law as the educational subject envisages the gradual introduction of three integral parts, namely: the general part; the particular part; the special part. As for the Polish experts they are against of singling out of the first from above mentioned parts, stressing that the agrarian law can not have the similar general part as the standard subjects have, namely civil or criminal law [Czechowski, Korzycka-Iwanow, Prutis, Stelmachowski 1999: 18]. It is hard to agree with this statement, because as it is stated in legal literature, the possibility to single out the general part of educational course of the agrarian law of Ukraine is the index which proves the objective existence the related independent branch of law [Титова 2004: 17].

Traditionally the general theoretical topics are related to the general part [Титова 2004: 18], as they are important for the whole agrarian law [Бердников 2000: 22]. As professor V.M Ermolenko stresses, „the institutes of the general part represents the legal norms, mainly they have generalized character and besides they are common for all types of agrarian relations which are subject to the legal regulation” [Єрмоленко 2010: 63].

The followings subjects as a rule, are included into the general part: the subject, methods, principles, system of agrarian law and its sources; the general characteristics of the notion: „agricultural commodity producer” and „agricultural enterprise”; then the general principle of the foundation and liquidation of the agricultural enterprises activity); the agrarian legal relationships (the concept, different kinds, peculiarities, classification); legal principles of the agriculture state regulation (the concepts and content of the state regulation, the methods of regulative activity of the state bodies; the state bodies management and control system); the procedure and terms of the state property enterprises privatization in agriculture complex; the reformation peculiarities of the agrarian relations [Титова 2004: 18; Єрмоленко 2010: 47].

It is noteworthy to mention that the study of the theoretical problems, connected with the differentiation of the structure and the peculiarities of the agrarian relations, as the subject of agrarian law; methods, system, principles and sources of this branch of law, is of prime importance matter; as they are directly connected with the singling out of the agrarian law as the independent, complex and specialized branch of law. Fur the more, to reveal the sublegal nature of such basic notions, as: „agricultural enterprise”, „agricultural commodity producer”, „the property share right”, „the land share right” etc.

Among the list of general part matters the problem of state enterprises property privatization belonging to the agro industrial complex dealing with the property transfer. At present it is state property, but it should be transferred into private property of the peasants-workers of the above-mentioned enterprises.

On to master this topic by the students, it is necessary to single out three groups of enterprises, which can be legally privatized in accordance with the Ukrainian Law July 10 1996 „About the peculiarities of property privatization in the agro industrial complex”. It enables to clarify the peculiarities which arise in property privatization process: food industry; state farms and other state agricultural units, dealing with the agricultural production; special enterprises namely those which produce wine and other beverages; enterprises making research and experimental works etc.

The study of the separate law institutes is the task of the particular part of the agrarian law [Шелестов 1994: 14]. The particular part of the educational course begins with the explaining of the peculiarities for the agricultural lands legal regulation, which are the main means of production, the bases for the agricultural production activity of all agrarian units. On this bases in this part of course the main directions of these agrarian units activity are gradually being explained their land, labour, property, agreements, financial and other relations and the responsibility for the violation of agrarian legislation of Ukraine [Титова 2004: 18]. So the norms of the institutes of the particular part are aimed at taking into account all the peculiarities of various kinds of agrarian relations. For example, different regime types of property for the different agricultural enterprises (cooperatives, farms, agricultural companies etc.) have their own peculiarities. It is specifics that reflects the norms of the particular part [Єрмоленко 2010: 63].

The legal regulation of the production agricultural and some specific kinds of activity in agriculture (crop-production, cattle breeding, veterinary matters); quality and safety of agricultural products; market relations in agriculture complex (legal regulation of the agrarian market; grain market; agrarian-contractual relations); foreign economic activity of the agricultural enterprises; financial activity of agricultural enterprises (taxation, insurance, crediting); social development of the village; the peculiarities of the legal regulation of the labour relationships in agricultural enterprises; the proper use of natural resources in agriculture are included to this part.

The detailed study is required for the new institutes of the agrarian law, namely the institute of the agrarian market development and grain market which are in the process of its formation. It is important to pay attention to the study of the followings issues: the notion of the well organized agrarian market, its infrastructure, mechanism realization of commodity and financial interventions. It is necessary to give the detailed characteristics of all the participants of the agrarian market: stock market, agrarian trade houses, agrarian funds, auction of life stock and poultry etc. Special attention taken to the study of the legal realization of grain purchases mortgage, and application of the system of the state forwarded grain purchases on the organized agrarian market.

The fundamental institute of the agrarian law is the institute of the social development of the village. The legislation of Ukraine does not present the definition of the above mentioned notion (social development of the village). There is still no single opinion as for it in the law literature.

The social development of the village can be considered as „the complex of social relations, which arises in connection with the arrangement of the village territories, social and material provision of the rural population on the present day standards of the development society and besides the free development of every peasant; it implies the satisfaction of all his needs: material, moral, spiritual and physical” [Статівка 2007: 31].

Relations forming the above mentioned institute, can be grouped in the following way: socially labour; health protection; the physical culture and sports development; the development of culture; social welfare and services; providing the educational services; every day services and arrangement of rural territories [Бердников 2000: 184]. On the whole agreeing with the above mentioned opinion, it should be noted that socially labour relations, and also relations of social welfare and services, can not be considered as the integral part of that institute of agrarian law, as the institute of social development of village. As they make the subject of labour law and social welfare law and they are regulated by the corresponding legislation. So, the standard law acts which regulate legal position of the agricultural enterprises (namely: Laws of Ukraine June, 19 2003 „About farming”, May, 15 2003 „About private agriculture”) contain the reference norms to the legislation about social welfare of the citizens. On the other hand it would be reasonable to pay attention to the positive experience of the foreign countries in that sphere. As for Poland the relations of the social welfare of peasants is regulated by special Law December, 20 1990 „About social insurance of the peasants”. The two kinds of insurance are established by that law: pension guarantee; accident insurance, illness and maternity insurance. Social insurance also provides medical services in the framework of the general system of health protection [Каска... 1998: 5–8].

The agrarian law of foreign countries including countries – members of European Community, is considered in the special part of the course. And besides it is important

to include into that part the relations with regulate the support of agriculture of the states which became the members of the World Trade Organization.

So, well-structured educational subject „Agrarian law” gives the possibility to the students to acquire the corresponding scope of knowledge as for the theory of agrarian law. They are thought to determine the place and role of the agrarian law in the system of the fundamental branches of the domestic law (civil, commercial, land, ecological, administrative etc); to give definition to the main categories of the agrarian law; to differ the agrarian legal relations from the other ones, which arise in the social life; be able to orient independently in the current agrarian legislation, in the matters of the of agrarian law development on the present day stage.

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Роль и место учебной дисциплины „Аграрное право” в программе подготовки кадров для села

Анотация

В статье раскрывается роль и место учебной дисциплины „Аграрное право” в процессе подготовки кадров для села на базе Национального

университета биоресурсов и природопользования Украины. Отдельное внимание обращается на раскрытие содержания составляющих частей (общей, особенной и специальной), которые входят в систему этой учебной дисциплины.

Ключевые слова: образование, кадры, учебная дисциплина, социальное развитие села, аграрное право.

Abstract

The role and place of educational subject „Agrarian law” are explained in the curriculum for training professional agricultural specialists in the National University of life and environmental science of Ukraine at this article. Special attention is applied on explaining the main components (general, particular and special) which are included in the system of this educational subject.

Key words: education, educational subject, social development of village, agrarian law.

Rola i miejsce przedmiotu „prawo rolne” w programie kształcenia specjalistów dla wsi

Streszczenie

W tym artykule opisano szczegółowo rolę i miejsce przedmiotu „prawo rolne” w programie kształcenia zawodowego specjalistów z zakresu rolnictwa na Uniwersytecie Narodowym Ukrainy. Szczególną uwagę zwrócono na wyjaśnienie głównych komponentów programu (ogólnego, szczególnego i specjalnego), które są włączone w zakres tematyczny tego przedmiotu.

Słowa kluczowe: edukacja, kierunek studiów, rozwój socjalny wsi, prawo rolne.