

AGRICULTURAL LANDS: A CIVILISTIC VIEW OF THE SOCIAL OBLIGATION TO PRESERVE THEM**Larisa V. Schennikova***Kuban State University, Krasnodar, Russia***Article info**

Received –

2021 November 17

Accepted –

2022 April 11

Available online –

2022 June 20

Keywords

Civil law, property rights, property rights, obligations, real estate, agricultural land, social function of property

The subject. Study focuses on the problem of conservation and efficient use of agricultural land. It is important for any state, but it is especially relevant for Russia, given the size of the country's territory and the large proportion of arable land. Statistics shows a tendency to reduce the total area of arable land. This trend is especially alarming for the Krasnodar Region, the granary of Russia. In this regard, the scientific analysis of judicial and arbitration practice in cases related to the use of agricultural land is relevant. It is important to see the trends emerging in law enforcement and assess their importance for solving the overall task of preserving agricultural land.

The purpose of the study is to identify a scientific civil basis for improving both legislation and law enforcement practice. The author puts forward a scientific hypothesis that a new stage of civil legal regulation should offer both the legislator and the judicial authorities a new idea that can be productively used, among other things, to solve the problem of conservation and efficient use of agricultural land.

The methodology. The following methods were used in the research: general scientific dialectical, universal scientific methods (analysis and synthesis, induction and deduction, comparison, abstraction, formal logical, system-structural), special legal methods (comparative legal, method of system interpretation, method of legal modeling).

The main results, scope of application. The author describes the prospects of using a socially oriented model of civil law regulation. Such a functional approach brings to the fore a social obligation, the presence of which should be assumed in the content of each subjective civil right. The argumentation of social responsibility as an element of subjective law acquires special significance in relation to civil rights to land plots. In their implementation the perspective value is not the autonomy of the will and the power of the owner, but the preservation of the value of the land, including its fertile qualities, as well as the development of social relations in which the lands of this category participate. The theoretical idea of the social orientation of civil law regulation is of great importance for the emerging law enforcement practice, since it sets before the courts the task of considering social interests, including, of course, the general interest in preserving agricultural lands, including especially valuable and productive lands.

Conclusions. A theoretical basis (scientific idea) is proposed for improving civil legislation and law enforcement practice, which can be fruitfully used for the conservation and effective use of agricultural land.

1. Introduction

This article will cover such a problem as the conservation and effective use of agricultural land. This problem is current for any state, but it is most relevant for the Russian Federation, since taking into account the size of the country's territory and the large gravity of plowed field. Statistics indicate a tendency to reduce the area of plowed field. First of all, these data should concern the Krasnodar Krai – the breadbasket of Russia. The author wonders about the ability to influence of civil law handling and judicial practice of the application of industry standards on the solution of the common problem of the effective use of agricultural land. It is important to find a civil basis, which will be a kind of foundation for both improving legislation and enforcement practice. It is also necessary to find a scientific foundation in the theory of the social function of property. The founders of this direction have satisfied the existence of an equitable right for each possessor of a social obligation associated with the realization of social needs. The conception of social obligation seems to be particularly relevant for subjects of civil law to land plots. The author considers it important to analyze the arbitral jurisprudence developing in the North Caucasus region in order to resolve the issue of its role in ensuring the preservation of the status of agricultural land and their effective use by land possessors.

Rationale is the value of agricultural lands, their limitations and the importance of their full protection, including through effective legal regulation and well-enforced, taking into account the understanding of the value of the targeted use of land. The problem of efficient land use is mainly dealt with by representatives of the natural science. Civil-Legal science is also involved in this problem. This is especially evident in the context of an increasingly emerging tendency of social orientation of civil law. Currently, it is relevant to turn to judicial practice, which has a significant impact on the preservation of the status of agricultural land. The doctrinal basis features prominently in the development of jurisprudence. Rationale can be traced in the value of agricultural

land, socially oriented civil law and uniform judicial practice, consistently pursuing the principle of social orientation.

Representatives of land law are actively engaged in the problems of effective use of agricultural land in Russian legal science. Thus, it should be noted the works of V.V. Ustyukova devoted to the problems of transactions with land plots, including transactions of agricultural cooperatives and their contesting in courts [1-3]. It is possible to note the works devoted to the economic aspects of the problem, in particular, the developments of S.A. Lipsky concerning legal measures ensuring the rational use of agricultural land [4]. The management aspect of land use is also being actively developed. An example of this is the work coauthored with Y.V. Voronina, V.N. Kalitsky and A.A. Sekacheva, dedicated to the legal regime of the use and protection of agricultural land [5].

In foreign civil law, the authors focus on the following aspects of the general problem of land use. Thus, W.K. Bunting and D. Lammendol investigate the issue of land use in the cannabis industry [6]. T.D. Marsh raises the problem of property interests in the use of land for burial [7]. G.M. Stein considers the aspect of the urgent nature of land use rights [8]. L. Malcolm supports the idea of the need to regulate civil turnover in order to curb the alienation of indigenous peoples' lands in his publications [9].

2. Agricultural land and its effective use as a prerequisite and necessary condition for the national development

Russia ranks first in the world in terms of the size of its territory. It is also a country with the richest natural resources. The state has access to 13 seas and 3 oceans, and 120 thousand rivers flow through its territory. The total amount of natural resources of Russia is 3.8 times greater than the resources of the United States and 4.5 times the resources of China. The country ranks first in the world in the production of proven reserves and forecast gas resources, as well as in confirmed reserves of iron ore. In terms of coal reserves, country are third, and in terms of oil production, we are the seventh. However, the main natural resource of Russia is the land. According to Russian State

Register, as of January 2019, the total area of agricultural land is 382.5 million hectares. Of these, 130 million hectares are arable land, which is 8% of the world's arable land. If we turn to regional statistics, there are 4695.3 thousand hectares of agricultural land in the Krasnodar Krai, of which 3985.2 thousand hectares are farm field.¹

Let's consider whether the fertile lands in our country are being used effectively. We need to highlight the main problems based on statistics. Firstly, a significant amount of land (29.1 million hectares) is not assigned to growers. Secondly, the lands that formally have an owner aren't actually used, turning into abandoned. According to official statistics, this is 44% of agricultural land, and according to some experts, it is about 80 million hectares. Thirdly, there are also some arrears in the efficiency of agricultural production, as evidenced by crop yields. In Russia, 26.7 quintals of grain per hectare are collected, and in England this figure is 67.89², Germany – 60.81³, and the USA – 80.9.

In the Krasnodar Krai, index of cereal and leguminous crop yields are higher than the national average. It is 52.5 centner per hectare of acreage, so it cannot but worry about the fact that the total volume of agricultural land in the region is slowly but steadily declining. As of January 1, 2020, agricultural land accounted for 62.2% of the total land area. ⁴In comparison with 2017, it has decreased by 25.5 thousand hectares, and in comparison with the figures of 2011 – by 55.2 thousand hectares.

Can and how can the emerging the arbitral jurisprudence practice affect the problems of land use? We will talk about this in this publication,

based on the analysis of judicial acts. At the same time, having previously identified the scientific problem of the social function of property.

3. The civil jurisprudence of the theory of social obligation and its application to agricultural lands

In its development, civil law goes through certain stages characterized by a set of qualitative features. These stages are associated with iconic codified civil legislation. So, for almost a century, Napoleonic Code with its ideas of individualism and absolute private property has become a reference point for building national civil law regulation in many countries of the world. The period of absolutism of private property turned out to be quite long. At the same time, legislative ideas were supported by developments of civil science. Scientists have created a theory of subjective property rights, linking its understanding with a set of entitlements. The idea of the triad of the rights of the owner has become popular in domestic civil law, which has received legislative consolidation in the codified civil legislation of the country for many years. By the way, it was about the triad that scientists actively conducted discussions, sometimes recognizing its truth, and then categorically rejecting it. Nevertheless, even today, paragraph 1 of article 209 of the Civil Code of the Russian Federation "opens" the section on property rights and other property rights with this interpretation of the content of estate. In foreign civil law literature, the idea of the "despotic" domination of the owner over the thing was vividly reflected in the works of William Blackstone [10]. The scientist, describing the period of the "absolutism" of estate, which was sometimes called the period of the triumph of "speculation", stated the possibility for the owner of the property right to do with the thing whatever he pleases. In particular, to use, to spend, to neglect, to destroy, to give away entirely, to lend, to sell or lease, to mortgage, to leave by will. The period of legislative approval and unconditional recognition of the despotic rule of the owner turned out to be so long that even today the legislators of the countries of the world willingly operate with formulations that developed several centuries ago.

However, it is quite obvious that any theory and the theory of estate is no exception, but needs

¹ State (national) report on the state and use of land in the Russian Federation in 2019. M., 2020. p. 183.

² Great Britain – grain yield. [electronic resource]. – URL: <https://knoema.ru/atlas/Великобритания/Yield-grain> (date of circulation: 10.11.2021).

³ Germany – grain yield. [electronic resource]. – URL: <https://knoema.ru/atlas/Германия/Yield-grain> (date of circulation: 10.11.2021).

⁴ Gross harvest of agricultural crops in farms of all categories. [electronic resource]. – URL: <https://krsdstat.gks.ru/storage/mediabank/22sIznd8/%D0-%92%D0%B0%D0%BB%D0%BE%D0%B2%D1%8B%D0%B5%20%D1%81%D0%B1%D0%BE%D1%80%D1%8B%20%D0%A1%D0%A5.htm%80.htm> (date of application: 10.11.2021).

to be developed. A new look at the essence of understanding this subjective civil law also emerged in France, a century after the adoption of the legendary Napoleonic Code in the country. The novelty of the approach was to justify the need to abandon the understanding of property rights as an individualistic right of an egoist subject. The social task of serving the development of the whole society was proclaimed the main one in the habitual capabilities of the owner. Briefly, this idea was indicated by the phrase "social function of property". For the first time, the model of the social function of property was proposed by the French doctoral student Henri Hayem. However, Leon Dugi became the popularizer of this direction in the development of civil law. This French professor from Bordeaux gave a series of lectures in Buenos Aires, which, without exaggeration, were the basis of transformations in civil law regulation in almost all Latin American countries. Based on these ideas, the wording of the Constitutions was improved; the wording of the civil codes was clarified. Leon Dugi's lectures have been published in many countries around the world. In 1919, they were published in Russia under the title "General transformations of civil law since the time of the Napoleonic Code" [11, p. 82]. The preface to the Russian edition was written by A.G. Goybarg, a professor at Moscow University, the main creator of the Civil Code of the RSFSR in 1922. By the way, at that time L. Dugi's ideas were not considered as ideas of socialism, nevertheless, they were not denied scientific value.

Leon Dugi considered it important to transform the following provisions in civil law.

Firstly, the scientist believed that new principles should be developed for civil law. The professor didn't consider the attitudes that the Napoleonic Code enshrined to be sufficient for the successful development of society. There is nothing final in the world, L. Dugi noted, accordingly, following the general dialectic, society is also developing. From a society of individualists, it turns into a society of solidarity and interdependence. The metaphysical order is being replaced by the realistic order. This leads to new challenges facing civil law regulation. It is important to implement the progressive principle of solidarity, the real practice of property relations. Secondly, a new

approach was proposed by the scientist in the understanding of subjective law, including, and mainly, property rights. The owner cannot be an indifferent idler, he must perform a social function, satisfying the needs of society. The classical approach to subjective law, he emphasized, as the power to desire or the power to oblige others to respect their will, requires revision. An element of subjective law should be a well-known task that is useful for society. Thirdly, the approach to the interpretation of the autonomy of the will must also change. Subjects of civil law relations cannot be absolutely free to do what they please. A separate will must obey the social function of satisfying the needs of society. Finally, the necessary legal protection, according to Leon Dugi, should receive benefits as objects of civil rights. Objects of possession cannot be left to the whim of the desires of their owners. On the contrary, each of the subjects of law must perform "work" on their preservation and effective use in the interests of the whole society.

At the beginning of the XX century, the idea of socialization of civil law was actively developed and supported in the civil law literature. Thus, R. Saley in his research considered law, including civil law, as a social science [12]. According to him, civil law should first of all reflect social facts and preserve the collective consciousness of time. The scientist considered any subjective right relative from a social point of view, and therefore its implementation contrary to the social function was considered an abuse of law. A. Landry conducted economic analysis in his works, arguing about profit, capitalization, productivity [13]. On this economic basis, he built the necessary relations between property and society. Private property, the author stated, creates a confrontation between private and social interests. That is why it is necessary to adjust the regime of private property in order to bring its implementation, among other things, to social benefit. M. Oriu singled out as particularly important in the right of ownership a combination of three elements: interest, power and function [14]. A special balance, the scientist stressed, should be worked out for each of these elements with society. As a result of the study, a public or social function in law was justified, which should be fixed by civil

legislation.

E. Margaery compared property rights with democracy and came to the conclusion that this subjective right should serve democratic institutions [15]. He argued that the owner should not be considered the king of an independent province, using things on a whim. On the contrary, he should personify the owner of social capital, capable in some situations of subordinating private interest to the general.

100 years later, the idea of socialization in civil law, including the idea of the social function of property, began to experience its renaissance. This was especially true of American legal thought. A detailed analysis of the relevance of the idea of the social function of property can be found in the works of M.S. Mirow [16]. Among his associates, this author names Eric Freifogle, Eduardo Penalver, Josephy Singer. Alexander Gregory was a particularly ardent supporter of the idea of the social function of property [17-20]. It should be emphasized that in Russian civil jurisprudence, the sprouts of the theory of the social orientation of civil law regulation are also making their way. Thus, E.A. Sukhanov justifies in his publications the allocation of a new category – a social person of civil law [21]. L.Yu. Mikheeva connects the formation and development of the welfare state with the need to strengthen the protection of the weak side of civil law when improving civil law norms [22]. A number of authors, arguing for the development of a system of restrictions on subjective property rights, emphasize their purposeful social nature [23]. The social orientation of civil law regulation is justified in modern Russian civil law and in relation to the institution of termination of estate [24].

The main conclusion that is important to draw in relation to the problem considered in this publication is that it is important to see: a) the human values that property serves and b) the social relations that it forms and reflects.

It seems that the main conclusion of the theory of the social function of property directly concerns the holders of subjective civil rights to land. In civil theory, it is invariably important to see the value of this object, to understand the importance of social relations on land use for us

today and for future generations. At least three significant conclusions follow from this central position. The first is the land as a special good as an object of possession should receive special protection by improved standards that are strictly observed in practice. The second are the subjects of rights to land plots should be endowed with a special social obligation to preserve and use them rationally. The third is the freedom (autonomy of will) of owning land, as an object of civil rights, should be limited to the general social task of meeting the needs of the whole society.

5. The problem of implementing the social obligation to preserve and rational use of agricultural land in judicial practice

The issue of conservation and rational use of agricultural land has always been and is of great practical importance today. The understanding of the importance of the implementation of this social obligation is especially significant for the judiciary. Courts, when considering and resolving disputes concerning agricultural land plots, cannot, as it seems, proceed only from the general requirement enshrined in civil procedural legislation and protect the violated rights and disputed legitimate interests of persons, including persons engaged in entrepreneurial and economic activities. Here it is important to take into account the social function that is assigned to each and every subject of rights to a land plot intended for agriculture. Taking into account the social orientation of civil law regulation (the social function of property), in our opinion, the moral qualification so necessary for judges is manifested. Let's illustrate the problem of implementing the task of preserving and rational use of agricultural land using specific examples from judicial practice.

The first example will be based on the arbitral award of the North Caucasus District of June 30, 2020 (case No. A32-31189/2019). The dispute arose between Dorsan LLC and the administration of the Krasnodar Krai. The business entity (the Company) acquired under the contract of sale in 2010 the ownership of a land plot of agricultural land with the type of permitted use for the production of agricultural products. The site was located in Novoselsky rural settlement of Novokubansky district. In accordance with the general development

plan of this area and the approved "Rules for land use and development of the Novoselsky rural settlement of the Novokubansky district", the land acquired by the company partially falls into the list of lands of particularly valuable productive agricultural land, the use of which is not allowed for purposes unrelated to agricultural production. However, the business entity decided to place the production buildings of the asphalt plant on the acquired lands. Having established the production of asphalt, he appealed to the governor of the Krasnodar Krai with a petition for the transfer of a land plot from agricultural lands to lands of a different category (industry, energy, transport, communications etc). The Department of Property Relations of the Krasnodar Krai reasonably refused the company in its demand. Not agreeing with such a decision, the Company appealed to the Arbitration Court of the Krasnodar Krai with a demand to recognize the refusal as illegal and oblige the administration to make a decision on the transfer of agricultural land to another category for the placement of asphalt plant production buildings on them. The Arbitration Court of the Krasnodar Krai, and subsequently the 15th Arbitration Court of Appeal, considered the claim of the business entity legitimate. The Arbitration Court of the North Caucasus District also supported this approach in its award of June 30, 2020. The District Court stressed that such a decision, from its point of view, achieved the task of judicial proceedings, which consists in protecting the violated rights and disputed legitimate interests of persons engaged in entrepreneurial and other economic activities. Yes, the entrepreneur, represented by LLC, was quite satisfied with the judicial acts adopted, since he will be able to continue to make a profit by producing asphalt. But why were the social interests of preserving agricultural lands, and especially valuable and productive lands, completely ignored? The Court did not take into account the existence of a social obligation, which, according to the theory of the social function of property, must necessarily be taken into account when considering and resolving cases related to land.

The second example will be based on the arbitral award of the North Caucasus District of

August 13, 2020 (case No. A53-29021/2018).⁵ The dispute arose between an individual entrepreneur (farmer) and the Administration of the Neklinovsky district of the Rostov region. The administration refused the head of the farm to grant ownership for a fee of a land plot from the category of agricultural land. The land plot has been used by the entrepreneur since 2013 on the basis of a signed lease agreement. The decision of the administration was appealed by the head of the farm to the Arbitration Court of the Rostov region. Subsequently, the case was considered by the 15th Arbitration Court of Appeal and the Arbitration Court of the North Caucasus District. The judicial authorities found that the entrepreneur organized the equestrian sports club "Pokrovskie Zori" on the provided lands. To implement the tasks for the development of this club, stables, non-capital warehouses, sheds, fenced areas for walking horses were built. Arguing his right to acquire ownership of the plot, the head of the farm tried to prove that the objects created on the land plot are actually used for the production, processing, transportation (transportation), storage and sale of agricultural products of his own production. However, the courts quite rightly saw and argumentatively proved that the activities of equestrian sports clubs fall under the concept of a physical culture and sports organization that carries out activities in the field of physical culture and sports as the main type. Accordingly, the implementation of such activities contradicts the type of permitted use of the land, namely: for agricultural production. Taking into account the clarified circumstances, the courts of the first and appellate instance stated that the applicant was deprived of the right to demand the transfer of the allocated land plot to ownership. The Arbitration Court of the North Caucasus District, having supported the decisions of lower instances, stressed that the applicant's arguments that he carries out agricultural activities on the leased plot were not confirmed when considering the dispute. It was

⁵ Arbitral award of the North Caucasus District of 13.08.2020 N F08-4259/2019 in the case N A53-29021/2018//SPS"ConsultantPlus".—URL: <http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=ASK&n=158455#Ld9EloSoWkPBuBIF1> (date of application: 12.11.2021).

impossible to establish which type of agricultural products, not without irony, was noted in the resolution, produced by the equestrian sports club "Pokrovskie Zori" neither from the statement addressed to the administration, nor from the evidence collected in the case. Accordingly, the provision of agricultural land for ownership for another type of activity, said the Arbitration Court of the North Caucasus District, was lawfully refused.

Having failed to satisfy the private interest in the development of equestrian activities, the court ensured that the interests of the public were carried out, fairly taking into account the existence of a social obligation in land-use relations.

The two examples considered illustrate quite contrastingly the problem of implementing the social obligation to preserve and rationalize the use of agricultural land. In one case, the courts did not take into account the presence of this function, in the other; on the contrary, they turned out to be active agents of it. It seems that the development of civil legislation, taking into account the developments of the civil doctrine on the social responsibilities of holders of subjective civil rights, will allow for more consistent and rigorous implementation of these ideas by judicial authorities. At the same time, a particularly important achievement of this goal of law enforcement is seen in relation to agricultural land, the reduction of the total area of which and the reduction of soil fertility should in no case be allowed.

6. Conclusions

As a result of consideration of the problem formulated in the introduction, the author came to the following scientific conclusions:

1. The problem of the use of land resources has philological, philosophical, political and social aspects. At the same time, the instruments of legal regulation should also be considered significant, including civil legal means that are increasingly increasing in their social role.

2. Russia owns only 8% of the world's plowed field. However, negative trends should be noted – a decrease in the volume of agricultural land and a rather low productivity of agricultural labor in comparison with developed countries. The

decline in the volume of agricultural land in the southern regions of the country is particularly worrying.

3. The relevance of the transition from an individualistic model of civil law regulation to a socially oriented model in civil law is proved. This trend requires further scientific understanding and consolidation in codified civil legislation as a principle that can be called the principle of solidarity.

4. The necessity of recognition by the civil legislation of the Russian Federation of the social function of property rights and other subjective civil rights is substantiated. This kind of functional approach brings to the fore a social obligation, the presence of which should be assumed in the content of each and every subjective civil law.

5. The argumentation of social responsibility as an element of subjective civil law acquires special significance in relation to civil rights to land plots. In their implementation, the author proves, it is not the autonomy of the will and the power of the owner that is of paramount importance, but the preservation of the value of the land, including its fertile qualities, as well as the development of social relations in which land plots of this category participate.

1. 6. The significance of the theoretical ideas of the social orientation of civil law regulation is illustrated by examples from judicial practice. To date, this practice is quite controversial. The author proves that in the processes of law enforcement, it is important for courts to ensure the implementation of not only the task of legal proceedings, which consists in protecting the violated rights and disputed legitimate interests of persons, including persons engaged in entrepreneurial and other economic activities, but also to always take into account the social interest of preserving agricultural lands, including especially valuable and productive lands.

REFERENCES

1. Ustyukova V.V. Transactions of an agricultural cooperative with land plots and their contestation in courts. *Vestnik. Gosudarstvo i pravo*, 2018, no. 25, pp. 136–140. (In Russ.).
2. Ustyukova V.V. Contracts and other transactions with the land. *Agrarnoe i zemel'noe pravo = Agrarian and land law*, 2011, no. 8 (80), pp. 94–103. (In Russ.).
3. Ustyukova V.V. Protection of rights to land plots of agricultural purpose. *Vestnik Universiteta imeni O.E. Kutafina (MGYUA) = Courier of Kutafin Moscow State Law University (MSAL)*, 2017, no. 2 (30), pp. 163–170. DOI: 10.17803/2311-5998.2017.30.2.163-170. (In Russ.).
4. Lipsky S.A. Legal measures ensuring the rational use of agricultural land, and some other aspects of the modern correlation of the norms of agrarian and land law at the federal and regional levels. *Sel'skoe khozyaistvo*, 2019, no. 3, pp. 15–20. DOI: 10.7256/2453-8809.2019.3.32456. (In Russ.).
5. Voronina Ya.V. Legal regime for the use and protection of agricultural land. *Agrarnoe obrazovanie i nauka*, 2016, no. 2, p. 20. (In Russ.).
6. Bunting W. Lammendola J. *Why Localism is Bad for Business: Land Use Regulation of the Cannabis Industry*. May 18, 2020. 57 p. DOI: 10.2139/ssrn.3601851.
7. Marsh T.D. When Death and Dirt Collide: Legal and Property Interests in Burial Places. *Probate and Property*, March 01, 2017, available at: https://www.americanbar.org/groups/real_property_trust_estate/publications/probate-property-magazine/2016/march_april_2016/2016_aba_rpte_pp_v30_2_article_marshall_when_dirt_and_death_collide/ (accessed: November 10, 2021).
8. Stein G.M. What Will China Do When Land Use Rights Begin to Expire? *Vanderbilt Journal of Transnational Law*, 2017, vol. 50, pp. 625–672. DOI: 10.2139/ssrn.2565563.
9. Lavoie M. Why Restrain Alienation of Indigenous Lands? *University of British Columbia Law Review*, 2016, vol. 49, no. 3, pp. 997–1060. DOI: 10.2139/ssrn.2728376.
10. Blackstone W. *Commentaries on the laws of England*, in Four Books. Chicago, 1979. Vol. 1. 1269 p.
11. Duguit L. *General transformations of civil law since the time of the Code of Napoleon*. Moscow, State Publ., 1919. 110 p. (In Russ.).
12. Saleilles R. *Etude sur la théorie générale de l'obligation d'après le premier projet de Code civil pour l'empire allemande*. Paris, 1901. 511 p. (In French).
13. Landry A. *L'Utilité sociale de la propriété individuelle*. Paris, 1901. 539 p. (In French).
14. Hauriou M. *Fundamentals of public law*. Moscow, INFRA-M Publ., 2013. 572 p. (In Russ.).
15. Marguery E. *Le droit de propriété et le régime démocratique*. Paris, Alcan, 1906. 202, 24 p. (In French).
16. Mirow M.C. The Social-Obligation Norm of Property: Duguit, Hayem, and Others. *Florida Journal of International Law*, 2010, vol. 22, pp. 191–226.
17. Gregory S.A., Peñalver E.M., Singer J.W., Underkuffler L.S. A Statement of Progressive Property. *Cornell Law Review*, 2009, vol. 94, no. 4, pp. 743–744.
18. Gregory S.A. Property as Propriety. *Nebraska Law Review*, 1998, vol. 77, pp. 667–702.
19. Gregory S.A. The Complex Core of Property. *Cornell Law Review*, 2009, vol. 94, no. 4, pp. 1063–1072.
20. Gregory S.A. The Social-Obligation Norm in American Property Law. *Cornell Law Review*, 2009, vol. 94, no. 4, pp. 745–819.
21. Sukhanov E.A. Social person of civil law (to raise the question), in: *Grazhdanskoe pravo v sotsial'nom gosudarstve*, collection of articles to 90th anniversary of Professor A.L. Makovskii (1930–2020), Moscow, Statut Publ., 2020, pp. 24–37. (In Russ.).
22. Mikheeva L.Yu. On the social state, paternalism and the weak side of civil legal relations, in: *Grazhdanskoe pravo v sotsial'nom gosudarstve*, collection of articles to 90th anniversary of Professor A.L. Makovskii (1930–2020), Moscow, Statut Publ., 2020, pp. 37–52. (In Russ.).
23. Schennikova L.V. Modern economy and problems of efficiency of its civil law regulation. *Permskii yuridicheskii al'manakh = Perm Legal Almanac*, 2020, no. 3, pp. 124–131. (In Russ.).
24. Schennikova L.V., Migacheva A.Yu. Usufruct law: origins, comparative legal analysis and prospects of development in Russia. *Vestnik Permskogo universiteta. Yuridicheskie nauki = Perm University Herald. Juridical Sciences*, 2021, no. 52, pp. 321–345. DOI: 10.17072/1995-4190-2021-52-321-345. (In Russ.).

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BIBLIOGRAPHIC DESCRIPTION

Schennikova L.V. Agricultural lands: a civilistic view of
the social obligation to preserve them. *Pravoprime-
nenie = Law Enforcement Review*, 2022, vol. 6, no. 2,
pp. 231–240. DOI: 10.52468/2542-514.2022.6(2).231-
240. (In Russ.).