Journal of Internet Banking and Commerce

An open access Internet journal (http://www.icommercecentral.com)

Journal of Internet Banking and Commerce, December 2016, vol. 21, no. S6

Special Issue: Territory and Industry: The Search for Innovative Ways of Developing

Edited By: Eda Yasa Ozelturkay

THE ROLE OF APPRAISAL SERVICES WHEN CARRYING OUT THE STATE CONTROL OVER THE USE OF LAND IN THE RUSSIAN FEDERATION

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Abstract

The issue of the state control over land usage in the Russian Federation arises particular interest and conflicting opinions in modern law science, since the land users cannot reasonably control their actions and voluntarily take appropriate measures for its improvement reasonably and to a sufficient degree, especially if it concerns their financial and material interests. From technical, organizational and material point of view the individual land users are not always able to provide organization of certain forms of modern control on their own. It is impossible to secure the unity of control actions, their coherence, analysis and assessment. The system of land management includes state cadastral valuation, land monitoring, state land control etc. The goal of state land control is to ensure that natural and legal entities as well as state officials adhered to the of land legislation aimed at the efficient usage and legal protection of land. The article analyses the procedures of state control over land usage in the Russian Federation.

Keywords: **Valuation, State Land Control, Powers of State Authorities, Forms of Land Control**

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INTRODUCTION

Rational land usage has been one of the main and constant state functions for a long time, while state control has been used as an enforcement measure to provide rational land usage.

In the Russian Federation the regulation of the public relations concerning the land usage is directed to the provision of rational land usage, the protection of land owner rights and land user rights and the regulation of relations concerning the land.

Unfortunately, it is not infrequent, that the land is used inappropriately and in violation of law which causes the land degradation. According to statistical data of Rosreestr [1] the most common land legislation violations are the uncontrolled settlement on the land, the use of the land without the documents of title and the documents to authorize the economic activity. According to the data of Ministry of Agriculture the most common violations on agricultural lands are “failure to fulfill the requirements for compulsory activities for improvement and protection of the land and soils from rubbish” (364,5 thousands hectares) and “fertile layer removal” (100,5 thousands hectares) [1].

- The goal of this scientific research is the analysis of current legislation and consideration of procedure of state control over land usage in the Russian Federation.

- The subject of research is public relations, arising in the process of land usage control activities of state authorities of the Russian Federation.
- The object of research is the procedure of state land control in case of uncontrolled settlement on the land and usage of the agricultural lands.

The authors of this research set out to analyze theoretical and practical aspects of state control of land usage in case of uncontrolled settlement on the land and usage of agricultural lands.

METHODOLOGY

In modern stage of development of law science and institution of legal liability for land usage violations it is necessary to discuss the essence and the procedure of state land usage control in the Russian Federation in detail. The state land control, its legal framework, the system and the functions of public authorities of land usage control, the procedure of state land control are aimed to have positive effect on land condition and its protection as natural resource because it makes possible the prosecution of offenders of the land law and economic circulation promptly.

Methodological basis of this research is the number of scientific methods, such as system, statistic, historical, legal, comparative legal, logical, dialectical and other research methods. The authors analyzed the materials and key sources of key scientific literature on the proposed subject, the regulatory legal acts of the Russian Federation, concerning the land usage control.

The authors explored the publications of leading authorities on the subject, such as: Altuhova [2], Babenko [3], Bratus [4], Vinokurov [5], Galinovskaya [6], Kononov [7], and examined the most relevant problems of the essence, contents and procedure of state land usage control in the Russian Federation.

RESULTS

45% of 177 957 law violations in 2013 and 47% in 2012 apply to the uncontrolled settlement on the land (80 648 and 162 081 respectively). Over 70% is committed by citizens. As a rule, citizens' business activity is contacted within the settlements (hamlets, villages, urbanizations and cities etc.), that is why the uncontrolled usage on the land is more common in settlements [1].

Galinovskaya [6] notes: "The reasons of the current situation partly lie in the lack of instrument to prosecute those responsible for violations of law legislation. The certainty of punishment should support the enforcement of law and maintain law and order. The institution of legal liability for land usage and protection violations is the main part of legal mechanism to significantly affect the land relations. Consequently, just like all other parts of this mechanism, the institution of legal liability is a mean to an end of

supporting of legal usage of land" [6].

One of the most effective methods of achieving rational correlation of property interests of both landowner and the state for effective and rational usage of land is introducing civil responsibility for land law violations.

The sanction for land law violations is not an ultimate objective of the legislation. Bratus [4] said rightly on the subject that "… the character of responsibility as penalty is one-sided and, above all, for law and order it is the performance of the duties" [4].

According to Articles 3, 129, 209 of Civil Code of the Russian Federation the rules of civil law in other laws shall fully comply with Civil Code of the Russian Federation.

The possession, use and management of the land are acceptable to the extent that is envisaged by the legislation concerning the land and other natural resources. These rights shall be freely exercised by their owners if this does not cause damage to the environment or infringe upon the rights and interests of other persons.

In the revised example, one can see the cooperation of civil and land laws concerning the control of usage and protection of the land, as far as we can see in sphere of the consumers' rights protection in different spheres – medical, touristic, etc. [8-10].

There are certain difficulties in applying the law, which come from contradictions in legislation and from law enforcement.

Usually the problems of law enforcement arise at the stage of violation detection, defining all the elements of violation and finding the one who is responsible for the violation. For example, according to data of Ministry of agriculture, "the main reasons for ceasing the proceedings are: the lack of confirmation of land belonging to some category by state cadaster; failure to prove the engagement of certain legal entity (natural person) in administrative violation; failure to prove the very fact of violation" [5].

DISCUSSION

The General Characteristics of the Uncontrolled Settlement on the Land

The uncontrolled settlement on the land is the usage of somebody's land without permission of the owner of land (or other authorized person) formalizing in the statutory manner.

The uncontrolled settlement on the land is manifested in the activities such as the placing of buildings, constructions, fences on it, taking other measures in order to block the access to the rightful owner (lessee, other users), controlling parties, or the crop farming.

In particular, it includes the illegal building of pavilions and kiosks. The most significant example is when the citizens illegally isolate the part of the street or the land adjacent to their houses and use it for private gain.

The disadvantage of land law and the difficulty of punishing the offenders is the fact that the borders of the area in question are not always defined clearly.

According to Article 11.1 of Land Code of the Russian Federation “the land plot is a part of earth surface, which borders are set out in conformity with federal laws”. The borders of the land plot and its other features are determined according to the Law № 221-FZ. According to Article 19 of Law № 122-FZ the state registration of the rights on the land plot is to be suspended (there is a possibility of refusal of registration) provided that there is no information on the coordinates of typical points of the borders of such land plot in the state cadaster, thus there is no information on the borders itself. In practice because of the Federal Law of 30.06.2006 № 93-FZ every second land plot, given for the farming of gardening, individual garage or house building, is legalized without measuring the territory. As a result it is hard for state land inspectors to determine the exact location of land plot and as consequence there are difficulties of the accountability of those who were responsible for the garbage on the land, for example.

Judicial Practice Related To the Uncontrolled Settlement on the Land

In the appeal decision of September, 26th 2013 on the case № 33-7994/13 Irkutsk regional court dismissed the action on the release of the land plot and the demolition of the buildings, because the location of land plot was not determined. In this case the court could not identify the land plot as an object of civil rights.

The judicial practice related administrative responsibility of a lessee of the capital construction objects who does not sign the rent agreement of land plot according to Article 7.1 of Code on Administrative Violations of the Russian Federation aroused particular interest. There are different opinions among courts.

According to the first opinion the lack of rent agreement of land plot when there is building rent cannot be classified as violation of Article 7.1 of Code on Administrative Violations of the Russian Federation. “According to paragraphs 1, 2 of article 652 of Civil Code of the Russian Federation by the building rent agreement a lessee get not only the rights of the possession and use of such building, but also the rights on the land plot, on which such building stands and which is necessary for usage of such building.

If a lessor is an owner of land plot, on which this building stands, a lessee will get the right of rent of this land plot.

The Committee of the city property management of Saint-Petersburg approved the form of rent agreement, where there is no clause on signing the land rent agreement, if a land plot is determined by the building foundation or is not determined, but a lessee

does not use the territory adjacent to the building. The rental payment includes the rental payment for the land plot under the building foundation (with the amendments by the decree of the Committee of 16 June 2009 № 69-r).

In the case under consideration the court of appeal concluded that there are no elements of administrative violation in actions of the legal entity and that the land plot is occupied by the building; that is why this land plot is essential for usage of the building according to its purpose.

Also the court of appeal determine that because of "…failure of the officials to prove the fact that rental payment stipulated by rent agreement for usage of the building does not include the payment for the usage of land plot under this building".

The different opinion is that a lessee of building who does not sigh the rent agreement on land plot, on which building stands, will be responsible for the violation of Article 7.1 of Code on Administrative Violations of the Russian Federation.

Company "Donator" sued a claim to Arbitration court of Kaluga region to revoke the ruling on recognizing the legal entity guilty of the violation of Article 7.1 of Code on Administrative Violations of the Russian Federation of Chief state inspector on usage and protection of the land of Kaluga of Russian Property Department in Kaluga region Aleshina of 11 September 2008 № 80.

The decision of Moscow Arbitration Court of 06.10.2008 was upheld by the ruling of twenty arbitration appeal court of 22.01.2009, and the appellation complaint was not satisfied.

The ruling of Federal arbitration court of Central District of 09.04.2009 upheld the decision of Arbitration court of Kaluga region of 06.10.2008 and the ruling of Twenty arbitration appeal court of 22.01.2009.

The appeals are explained by the fact that the using of the land plot by legal entity without authorized documents is the violation of Article 7.1 of Code on Administrative Violations of the Russian Federation.

In the opinion of the authors in the above-mentioned cases the owners of land plots who are guilty for allowing the usage of land plots without authorized documents must be responsible for the violation of Article 7.1 of Code on Administrative Violations of the Russian Federation. If the land plot without borders belongs to the state ownership, the bodies of local self-government of municipal areas, urban district, are responsible for the violation of Article 7.1 of Code on Administrative Violations of the Russian Federation according to paragraph 10 of Article 3 of the Federal law of 25.10.2001 № 137-FZ.

Opinion of the Authors

To avoid the uncontrolled settlement on the land or the usage of the land without authorized documents the special committees that will identify and remove the causes of the illegal taking of the land in settlements must be organized by the administrations of municipal areas and urban districts. The representatives of Rosreestr and settlements must be included in the structure of such committees. If the fact of the illegal taking of the land is admitted it is necessary to take a decision that the committee will be held accountable for the violation. The illegal taking is not always an act of outrage. For example, nowadays the pensioners have written or verbal permission for the planting (certificate of farmer) given by a person who was not authorized to manage the land thirty-forty years ago. And they are still working on this “unauthorized” land. In such case the committee can put forward proposals how to make these lands “authorized”.

It is impossible to create the unity of control actions, its coordination, analysis and evaluation without creating special external organizational structures [11].

Problems Posed By the Enforcement of Procedural Rules

The problems of the enforcement of procedural rules are quite common.

A resolution on infliction of penalty shall be passed after the full consideration of the case and the determining the facts of violations of land law. At the same time along with a resolution to the violators to eliminate the revealed violation of the legislation to deadline the instructions are also given.

The officials determining the measure on the facts of violation should take into account:

- its consistency with the gravity of violations
- potential danger for life, health of people, environment and property

It is not allowed to unreasonably limit the legal rights and interests of citizens [12].

In case of ignorance or procrastination of the terms of fulfillment of its determinations administrative pressure may be applied to the person who committed it according to paragraph 29 of part 2 of article 28.3 of Code on Administrative Violations of Russian Federation with the further court processing.

Usually such actions of state inspectors as passing the resolution on infliction of penalty and the instructions to violators on elimination of the revealed violation of the legislation may be appealed against.

The main reason to appeal the actions of Rosreestr is a dissent of plaintiff against passing the non-statutory acts.

To satisfy the claim it is necessary to prove the following:

- lack of evidences of the guilt of the violator [13]
- the expiry of the term of the limitation of administrative charges

In this case only a fine will be imposed, but violations might still continue. In 2012 only 60667 (37,4 %) of violations of land law of 162081 total sum were eliminated, in 2013 – only 80648 (45 %) of violations of land law of 177957 total sum. According to Rosreestr data for 2012 [1], the lowest rate of elimination of the revealed violations in Moscow (21,5%), Leningrad (36,0%) or Ulyanovsk (47,0%) regions.

The lack of common approaches to judicial practice on articles 19.4, 19.5 of Code on Administrative Violations of the Russian Federation allows violators not to fulfill the decision of the official who passed instructions to violators on elimination of the revealed violation of the legislation.

Also the insignificant sum of fine specified by the Code on Administrative Violations of Russian Federation doesn't contribute to the elimination of the revealed violation.

But the imposition of administrative sanctions for land law violations should not release the offender from elimination of the revealed violation. Each citizen, legal entity, individual businessman, who has committed an administrative violation, has to eliminate the violation [14].

Besides each control requires a lot of preparation so to be pursued to its logical ends - elimination of the revealed violation and the payment of fine.

The Consequences of Order Violation of State Land Control

According to paragraph 3 of article 26.2 of the Code on Administrative Violations of the Russian Federation "it is not allowed to use the evidences obtained in violation of the law". According to paragraph 1 of article 20 of the Federal law № 294-FZ "inspection results conducted with gross violations of requirements of organization and conduction of inspection cannot be the evidences of revealed violation and shall be cancelled by superior state control office or the court on the basis of written plea of legal entity, individual businessman".

The gross violations of requirements of organization and conduction of inspection are stipulated in paragraph 2 of article 20 of the Federal law № 294-FZ. The violation of inspection notification terms is one of it. The violation of conduction of inspection by the officials prevents further proceedings for the administrative case. The decision on the administrative case revealed during inspection conducted with gross violations of law shall be cancelled by superior state control office or the court on the basis of written

plea of the examined person.

Legal entities and individual businessmen are entitled to take legal action on invalidating the decision of supervisory bodies, ruled as a result of administrative case and invalidating the results of inspections being evidences.

The judicial practice shows that the legal consequences of the gross violations of requirements of the Federal law № 294-FZ such as a lack of evidentiary in results of inspection are essential for considering the claim on invalidating the resolution on infliction of penalty and the instructions to violators on elimination of the revealed violation.

The writing of Mineconomrazvitie dated 30.12.2011 № d09-3425 notes that a person must be informed of following inspection on three working days before its first day. The violation of the terms is a gross violation of the law. The results of inspection obtained with gross violations of the law cannot be evidences of violations and must be appealed.

The ruling of Arbitration Court of Buryatiya Republic dated 04.02.2014 on the case № A10-4095/2013 and the resolution of the Tenth arbitration appeal court dated 17.02.2014 on the case № A41-34182/13.

As a rule, the courts set aside the rulings on the administrative cases based on the results of inspection conducted with gross violations of requirements of the Federal law № 294-FZ. Such judicial practice “shows that it is not about failure to prove the elements of violation, it is a lack of the elements of violation itself, however according to paragraph 3 of part 1 of article 30.7, paragraph 4 of part 3 of article 30.17 of the Code on Administrative Violations of the Russian Federation the ruling will be cancelled and the proceedings for this case will be ceased as judicial review based on the results of considering of plea, complaint or protest against the resolution on administrative case because of lack of evidences to prove the facts on which the ruling was based.” [2].

For example, the ruling of the Tenth arbitration appeal court dated 17.02.2014 on the case № A41-34182/13 stipulates that a plea against the ruling on administrative responsibility for the usage of land plot without authorized documents satisfied the claim lawfully, because administrative case was considered without the representative of legal entity, who was to be charged as guilty, the administrative body does not present the evidences of notification of legal entity, who was to be charged as guilty, and its lawful representative about the time and the date of case consideration. Arbitration court of Moscow region satisfied the claim completely basing on the conclusion that the procedure of administrative case was violated and that there were gross violations of the procedure of inspection conduct set by the Federal law № 294-FZ.

The next example is the ruling of the Arbitration court of Tulskoy region dated 11.03.2013 on the case № A68-11728/2012 in respect of the claim of individual businessman on invalidating and abolition of resolution of Rosreestr of Tulskoy region. It has been established by the court that the inspection of individual businessman was

carried out with gross violations of the Federal law № 294-FZ. The decree on the conduct of inspection and the act on the result of inspection were not compiled, though it is stipulated by the articles 14 and 16 of the Federal law № 294-FZ. The administrative body did not present the evidences of compliance with the requirements of article 10 of the Federal law № 294-FZ to an unscheduled inspection. Also the disputed resolution of Rosreestr of Tulskoy region was made beyond the statute of limitations. The violation was found at 17.09.2012, but the resolution was made only at 14.12.2012. According to the paragraph 6 of article 24.5 of the Code on Administrative Violations of the Russian Federation there cannot be the commencement of proceedings on the administrative case and it should be determined if it was started late because of the expiry of the statute of limitations prescribed by article 4.5 of the Code on Administrative Violations of the Russian Federation for the administrative cases. According to the paragraph 1 of article 4.5 of the Code on Administrative Violations of Russian Federation the resolution on the administrative case cannot be made two months after the day of committing of administrative violation. The court considered the resolution of Rosreestr of Tulskoy region as illegal and cancelled it.

Thus the ruling on administrative violation shall be cancelled in reviewing, if the inspection was carried out gross violations of legislation and the documents shall be judged as inadequate evidences. The frequent cancellation of such resolutions by the courts because of lack of elements of administrative violation is not accurate. The statement of abolition of resolution shall meet the requirements of articles 30.7 and 30.17 of the Code on Administrative Violations of the Russian Federation (for lack of evidences). In this case the official has to pass the inspection papers to State Prosecutor to declare a protest on the court ruling or to institute proceedings on administrative violation.

The authors share the opinion of Altuhova [2]: "… in case of gross violations of control bodies there should not be obstacles to prosecute the violations" [2]. Therefore, it is advantageous to declare the protest of the prosecutor.

Nowadays the failure to follow the requirements of law on organization and conduct of inspection causes invalidation of inspection results and later the cancelation the rulings on administrative cases by the court.

Thus in case of presence of all elements and facts of administrative violation administrative body has no opportunity to achieve the main goal of state land control – elimination of violation.

According to part 1 of article 20 of the Federal law № 294-FZ the results of inspection carried out with gross violations are disputed, so they cannot be used as evidences of violation, because in particular article 26.2 of the Code on Administrative Violations of the Russian Federation requires that evidences of administrative case "shall be any facts about violation, but not procedural one" [2].

The Enforcement Measures for Elimination of Violations Identified During the Inspection

One of the methods of full elimination of violation identified during the state land control can be the developed procedure of further control and the enforcement of measures on violator.

As one can see in the above-mentioned ruling of the Arbitration court of Tulskoy region dated 11.03.2013 on the case № A68-11728/2012 the court considered the resolution on administrative responsibility as illegal and cancelled it on the basis of violation of the expiry of the statute of limitations. The authors suppose that after the adoption of draft law the legislator can provide the procedure of further control and enforcement measures on violator in renewed Decree of the Government of Russian Federation on state land control.

During the instructions terms the statute of limitations of administrative responsibility of legal entity and individual businessman according to part 1 of article 4.5 of the Code on Administrative Violations of the Russian Federation will be suspended. In order to provide the rational and valid sanctions for legal entities and individual businessmen Kononov [7] suggested: "…to make provisions in the Federal law № 294-FZ and in the General Part of the Code on Administrative Violations of the Russian Federation for the suspension of the statute of limitations of administrative responsibility of legal entity and individual businessman according to part 1 of article 4.5 of the Code on Administrative Violations of the Russian Federation during the instructions terms. This rule should not extend to the cases that caused property damages, harm to the health of people, pollution of environment, other sudden emergencies or created a real threat of such consequences" [7].

The authors suppose that these rules could significantly increase the efficacy of state land control and essentially reduce the loads for the courts.

As it was stipulated above, each inspection requires a lot of preparation. With a view to improve the efficiency of the time of inspector and control data systematization the geoinformation system "Database of state land control of Republic of Tatarstan" was created and put into operation in Department of Rosreestr on Republic of Tatarstan.

However the authors consider the implementation of control data systematization in the specific control body inadequate for the effective discharge of state land control. The systematization and proper coordination are necessary for control and usage actions between the bodies of the Procurator's office, state bodies of executive power, local self-government bodies and representatives of civil society. The registration of control data that considerably increase the efficacy of land control and provide the informational openness of activities of authorities is required [15].

The General Characteristics of Misuse of Agricultural Land

According to the article 285 of the Civil Code of the Russian Federation and articles 45 and 46 of the Land Code of the Russian Federation the termination of the right of ownership and other land rights will ensue for misuse of land plot of particular group. The right of ownership of land can be forcibly terminated if a land plot intended for agricultural production or housing or other construction is not used for intended goal for three years, unless other terms stipulated by the law (article 284 of the Civil Code of Russian Federation).

According to the article 8.8 of the Code on Administrative Violations of the Russian Federation the misuse of the land plot and the neglect of the land to a condition unsuitable for target use of land is an administrative violation.

There is a contradiction between legislation of real estate cadaster and legal responsibility in the process of applying the above-mentioned article [16]. If cadaster authorized documents do not include a group of land, it is impossible to punish for such violations. The cadaster documents do not contain data on group or the group is assigned falsely or with violation of requirements.

During January-March 2014 IFNS of Sergiev-Posad city transferred the list of 531 land plots (Total Square of town is 4042 hectares) that does not have cadastral cost due to a lack of data on group of the land in authorized documents to the administration of Krasnozavodsk town.

Thus, “the rule of responsibility for land plot misuse without taking belonging to a certain group of land into consideration allow to form a land plot and use it without assigned group” [6].

In November 2014 the office of urban planning and land usage of the administration of Krasnozavodsk town sent to consider their proposition to Moscow region Duma on making changes to the Code on Administrative Violations of the Russian Federation, relating to the responsibility for unassigned usage and group for the land plot within one year since the state registration, in view of that one of the land law principal is the land division into groups due to the land target purpose.

The disuse of agricultural land plots is widespread, especially if a land plot is located near a large city and the owner expects the growth in the prices of land.

The confiscation and termination of the right of ownership of agricultural land plots are unlikely because of the following, namely:

1) Increase of terms of lawful disuse three to five years
2) Opportunity to change the owner of land plot in case of the threat of its confiscation five years after the day of right of ownership arising or disuse

The Value of Certain Land Plot Data

The inspectors can take effective administrative decisions also if there is enough information in the cost valuation report of each land plot [17]. The reliable assessed value of land plot is necessary both for state and municipal bodies of executive authority for land resource management, development of settlements and promotion of rational land and tax policies and for private subjects of land law for any land transactions for the purpose of determination of the most efficient and the most effective way of region development or certain land plot.

Nowadays the state cadaster of real estate practically lacks the data on land condition obtained by state land monitoring (for example, quality of land plot of different groups, including fertility).

According to the decree of the Government of the Russian Federation dd. 22.07.2011 № 612 a remarkable decrease of fertility means that the numeric values of certain criteria are changed, for example a decrease by 15% and more of content of organic substance in topsoil.

The state land inspector should have data on previous fertility indicators to define these criteria and only then he can compare it with indicators of examination. It is impossible now to define these criteria, because the special land examinations (soil examination, for example) are not invoked.

The information on the state of land damaged by technological environmental impact is partly available from data of state real estate cadaster (GKN) on restriction (encumbrance) of the real estate rights and also can be obtained from the substance of real estate usage restrictions within the borders of land with special usage conditions. GKN must be supplemented by the information on land condition that had been accumulated in different information resources, such as laboratories of Federal service of ecological, technological and atomic control (Rostehnadzor) that analyze the soils on many criteria as a part of its functions.

The presence of reliable and full information on certain land plot is a must for data of the act of state bodies of executive authority on deterioration of the land quality due to economic activity that will be a ground for claiming the civil damages of participants of land relations.

The Damage of Misuse of Agricultural Land Plot

In land law the term “damage” is of civil character. The damage caused by land law violation can be divided into two types: ecological and economic. “The ecological damage turns into damage of the land which resulted in a loss of useful land features” [3].

In accordance with article 78 of the Federal law dd. 10.01.2002 № 7-FZ damages caused by the deterioration of the land are subjects to compensation based on taxes and methods of damage calculation or actual expense for recovery of damaged conditions of the environment.

The essence of economic damage is lowering the cost of capital construction object located on the land plot, the restriction of the land usage rights and lost profit. It shall be fully compensated according to the rules of civil code of the Russian Federation and the decree of the Government of the Russian Federation dd. 07.05.2003 № 262.

The Measures of Agricultural Land Usage

At present the legislator takes measures for agricultural land to be used.

Specifically, the high rate of land tax for disuse of agricultural land is set, the sum of fine for disuse of agricultural land is fixed in relation to cadaster cost of land plot.

Most importantly, that it makes the disuse of the agricultural lands burdensome for the owners [18]. Producing agricultural products should not be unprofitable. It is important to form the sales markets for the farmers.

We could not but agree with Dahnenko [19] that now. It is necessary to extend economic methods related to property interests of subjects of land law. Forming the land users' comprehension of what kinds of actions are more favorable for them can cause their concern in law enforcement [19,20].

CONCLUSION

The state land usage control is the most important function of the state. This kind of control is intended to provide the compliance of all subjects of land relations with the law requirements. The control activities both let identifying who is responsible for the law violations and return the land in economic circulation in proper time. The preservation of land as natural resource depends on efficiency of this kind of control.

In the course of a study of land control in settlements it has been established that the uncontrolled settlement on the land and usage of the land without authorized documents are the most common violations. There are some difficulties enforcing the responsibility for violation and disadvantages in land law. It can be solved by special committees organized by the administrations of municipal areas, urban districts, with compulsory involvement of the representatives of Rosreestr. The detailed regulations on coordination with State Prosecutor for violation prevention should be developed for the case when the ruling on administrative violation is cancelled by the court. There has to be created a unified information system of land conditions and state land control. The centralization of state control system is a must.

Failure to comply with the law requirements and execute the actions of land improvement is one of the most common types of violations related to agricultural lands. There are law measures to make the owner use agricultural land, but there is no support for Russian manufacturers. It is important to protect the economic and ecological interests of all subjects of land relations. There are contradictions in legislation. There should be legal responsibility for incomplete registration of the rights on land plots.

Legal responsibility institution is a part of mechanism of legal influence on land relations that should maintain the protection of land resources, rights and legal interests of owners and users of lands in the Russian Federation.

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