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## **FEATURES OF LEGAL REGULATION OF LAND RELATIONS IN THE RUSSIAN EMPIRE IN THE XIX CENTURY**

***Abstract:*** *this article analyzes the features of the process of legislative regulation of land relations in the Russian Empire in the XIX century, examines the components of land government reforms in this period; the authors draw attention to the complexity and inconsistency of the normative regulation of complex socio-economic processes in the field of land use.*

***Keywords:*** *land relations, legal regulation, the Russian Empire, land reform, serfdom.*

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## **ОСОБЕННОСТИ ПРАВОВОГО РЕГУЛИРОВАНИЯ ЗЕМЕЛЬНЫХ ОТНОШЕНИЙ В РОССИЙСКОЙ ИМПЕРИИ В XIX ВЕКЕ**

***Аннотация:** в статье анализируются особенности процесса законодательной регламентации земельных отношений в Российской империи в XIX веке, исследуются составляющие земельных правительственных реформ в этом периоде; авторы обращают внимание на сложность и противоречивость нормотворческого регулирования сложных социально-экономических процессов в сфере землепользования.*

***Ключевые слова:** земельные отношения, правовое регулирование, Российская империя, земельная реформа, крепостное право.*

At all times of mankind, the earth has been, is and will remain the basis of human activity, because this resource is given by nature. It cannot be produced, created, transferred. Land for Russia has always been one of the main sources of the country's well-being. Vast expanses, abundance of chernozems have long contributed to the development of various sectors of the economy, primarily agriculture. Historically, the main transformations that changed the formation and development of land law are: Manifesto of 1861. (Manifesto of Alexander II), Stolypin Agrarian Reform (1905 – 1907), the Decree on Land (1917), the Land Code of the RSFSR (1922), the Fundamentals of the Legislation of the USSR and the Union Republics (1968), the Land Codes of the RSFSR 1970 and 1991. The land law of Russia has been developing for a long time mainly around relations ownership of land [1, с. 38].

It is obvious that the most significant event of the second half of the XIX century in the development of land relations was the peasant reform of 1861, implemented on the basis of a number of legislative acts: the Manifesto of February 19, 1861 on the liberation of peasants from serfdom; the General Regulations on peasants who came out of serfdom; Regulations on the arrangement of household people; Provisions on redemption; Regulations on provincial and county institutions for peasant affairs; four local regulations on the land arrangement of peasants in different provinces of Russia; Rules on the procedure for putting into effect the provisions on peasants. Other acts were also in effect.

Let's consider the main changes that were introduced by the Manifesto of 1861. Due to the fact that the bulk of the population – peasants, had virtually no independent rights to land, which would be fixed by law and did not have an independent voice on the use of land, hindered the development of the entire state as a whole. As V.O. Klyuchevsky said, "... the economic situation of the noble economy prepared the destruction of serfdom» [2, c. 987]. Discontent was growing among the peasants.

In February 1859, provincial committees appeared, which had developed their proposals by the middle of 1859. These proposals can be divided into three groups: 1) not allowing any liberation of the peasants and providing for only minor transformations; 2) providing for the liberation of peasants without land; 3) providing for the liberation of peasants with land.

As a result, the state policy of the reform of 1861, based on the possibility of obtaining political and economic freedom by peasants, triumphed. The legislation at that time formally guaranteed such freedom. The main problem was the implementation of guarantees in practice, based on the economic situation of the liberated peasantry.

On February 19, 1861, the Manifesto on the Abolition of Serfdom was signed and the Regulation on Peasants who had come out of serfdom was adopted. These documents served as the most important legal basis for land reform in Russia [3, c. 84].

The provision proclaimed the peasants as free inhabitants, who were granted property rights. While the landowner retained the right of ownership of the land, the peasants received homestead lands and lands for permanent use for certain duties. Thus, although in this case the peasants did not turn into land owners, in contrast to the pre-reform period, they became subjects of a special type of property right to land – the right of permanent use. In return, the peasant was obliged to serve in favor of the landowner certain Local provisions of duty with work or money [4].

It provided for the possibility of a voluntary agreement between the landowner and the peasants in respect of conscription. In this provision, the conditions that were mandatory for execution were specified: firstly, the minimum size of the land allotment was established, which was provided to the peasant; secondly, the peasant's duty in favor of the landowner was formalized by a contract for a period of no more than three

years. There was a possibility of subsequent renewal, but also for a period of no more than 3 years. And finally, thirdly, transactions between landlords and peasants could not limit the personal and property rights of the latter [4].

In our opinion, it is necessary to note the great importance of these transformations for land law. The most important thing was that the peasant became the subject of land ownership. He was granted the right, with the permission of the landowner, to acquire ownership of a land plot, as a result of which all land relations between the peasant and the landowner were terminated. In the same way, a peasant could acquire real estate and make transactions with respect to it, which were regulated by general laws on rural inhabitants [5, с. 47].

A rural society, as a legal entity, could also acquire land and dispose of it at its discretion. Any member of this society could demand the division of land and the allocation of a land plot equal to his share, and if impossible, monetary compensation. With respect to such lands, restrictions were imposed on the alienation of such a land plot, namely: the owner who acquired the land plot from a rural society, within nine years from the date of acquisition, could sell this land plot only to one of the members of this society, and after the expiration of this period to any other person [3, с. 85].

Thus, as a result of the land reform of 1861, the subjects of ownership of land used in agriculture were landowners, peasants and the community as a legal entity.

In the late XIX – early XX centuries. in a number of regions of Russia, the processes of land development – the allocation of land plots to community members – begin. At first, this phenomenon was spontaneous. The unfolding that took place before the beginning of the Stolypin agrarian reform resulted in the formation of farm land use. Further, the process of individualization of the peasant economy begins to develop actively, which prepared the ground for the Stolypin reform of 1906–1910. The normative acts adopted during this period eliminated the communal order of land ownership and established the personal ownership of peasants on land plots. The assessment of this period is also not unambiguous. On the one hand, there are figures indicating the rise of agriculture. On the other hand, this historical period is associated with the emergence of a serious crisis in the economy, which led to widespread famine [6, с. 67].

Summing up, we can say that in the Russian Empire during the period under study, there was, in general, a very developed legislation at that time, which regulated a wide range of land relations. The study of the historical development of the legal regulation of land relations is very relevant in the modern period. Firstly, there is continuity in the solution of a number of issues, the use of certain concepts and terms. Secondly, certain problems were resolved in the legislation of pre-revolutionary Russia much more fully and clearly than at present. Thirdly, there is now a tendency to use the legal mechanisms of pre-revolutionary legislation to «improve» the current law.

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