



ERASMUS+ STRATEGIC PARTNERSHIPS IN  
RESPONSE OF THE COVID-19 SITUATION  
„EDULAW”



# Agrarian law - introduction

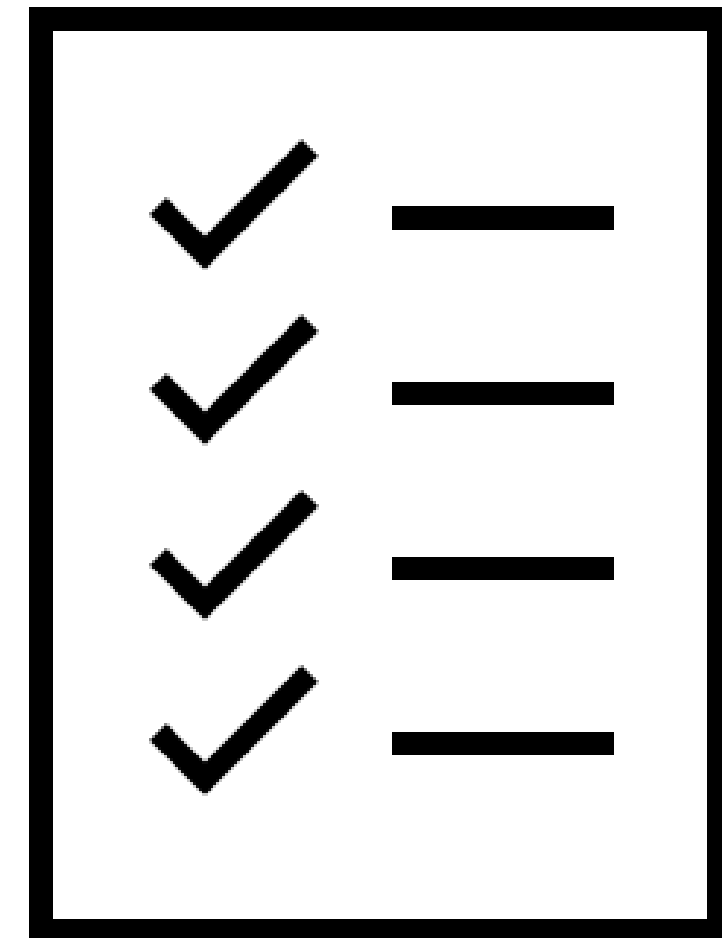
---

Lucia Pašová

Professor/Slovak University of Agriculture in Nitra

# Program

1. Agriculture
2. Agrarian law
3. Sources of agrarian law
4. Land law
  - 4.1. Historical background
  - 4.2. Land consolidation
  - 4.3. Rights to the agricultural land



# Agriculture

---

- one of the oldest and most important human activities

## Milestones:

- **1848** - abolition of serfdom and industrial development => *migration from the rural areas to the cities*
- **from 1/2. 19. century**
  - change from triple to double system of agricultural management => *specialisation, first innovations*
- **After world wars**
  - food and labour shortage, devastated landscape => *communism, collectivisation, using of mineral fertilizers*
- **After 1989**
  - recovery of ownership rights;
  - entrance to the EU (CAP)

# Agrarian law

---

- Agriculture = nutrition of population
- functions: production and non-production
- Law is the necessary basis for fulfilling the function
- **Agrarian law is this is semi-legal branch that regulates relations arising in the field of agriculture**
  - *General part*: legal norms include another legal branches (civil law, land law, labour law, commercial law, administrative law, EU law, international law)
  - *Special part*: legal norms regulates relations like crop and livestock production, food processing, hunting, fishing, beekeeping, forestry and water management

# Sources of agrarian law

---

1. **Legal norms**
2. **Contract with normative character**
3. **Final decisions of the Constitutional Court of the Slovak Republic** on non-compliance of acts with the Constitution



# Legal Norms

---

- Constitution of the Slovak Republic (460/1992 Coll.)
- Legal acts of the Slovak National Council of the SR
- Governmental Regulations
- Generally binding legal acts ministries, other central state administration bodies-the decrees, measures
- General application of the district offices
- Generally binding regulations of self-governmental regions
- General application of the municipalities

## Sources of Agrarian law:

- general
- complex/sectional
- component
- related



# General Legal Norms

---

- **Substantive acts:**

- Constitution of the SR
- Civil Code (Act No 40/1964 Coll.)
- Commercial Code (Act No 513/1991 Coll.)
- Criminal Code (Act No 300/2005 Coll.)
- Administrative acts

- **Procedural acts:**

- Administrative Order (Act No 71/1967 Coll.)
- Criminal Order (Act No 301/2005 Coll.)
- Civil Dispute Code (Act No 160/2015 Coll.)
- Civil Non-Dispute Code (Act No 161/2015 Coll.)
- Administrative Code (Act No 162/2015 Coll.)

# Complex Legal Norms

---

- Act on land (Act No 229/1991 Coll.)
- Act on protection and using of agricultural land (Act No 220/2004 Coll.)
- Cadaster Act (Act No 162/1995 Coll.)
- Act on organic farming (Act No 189/2009 Coll.)
- Act on environment (Act No 17/1992 Coll.)
- ....



# Component Legal Norms


---

- Act on fertilizers (Act No 136/2000 Coll.)
- Act on veterinary care (Act No 39/2007 Coll.)
- Act on hunting (Act No 274/2009 Coll.)
- ....

# LAND LAW

## Historical backgrounds

---

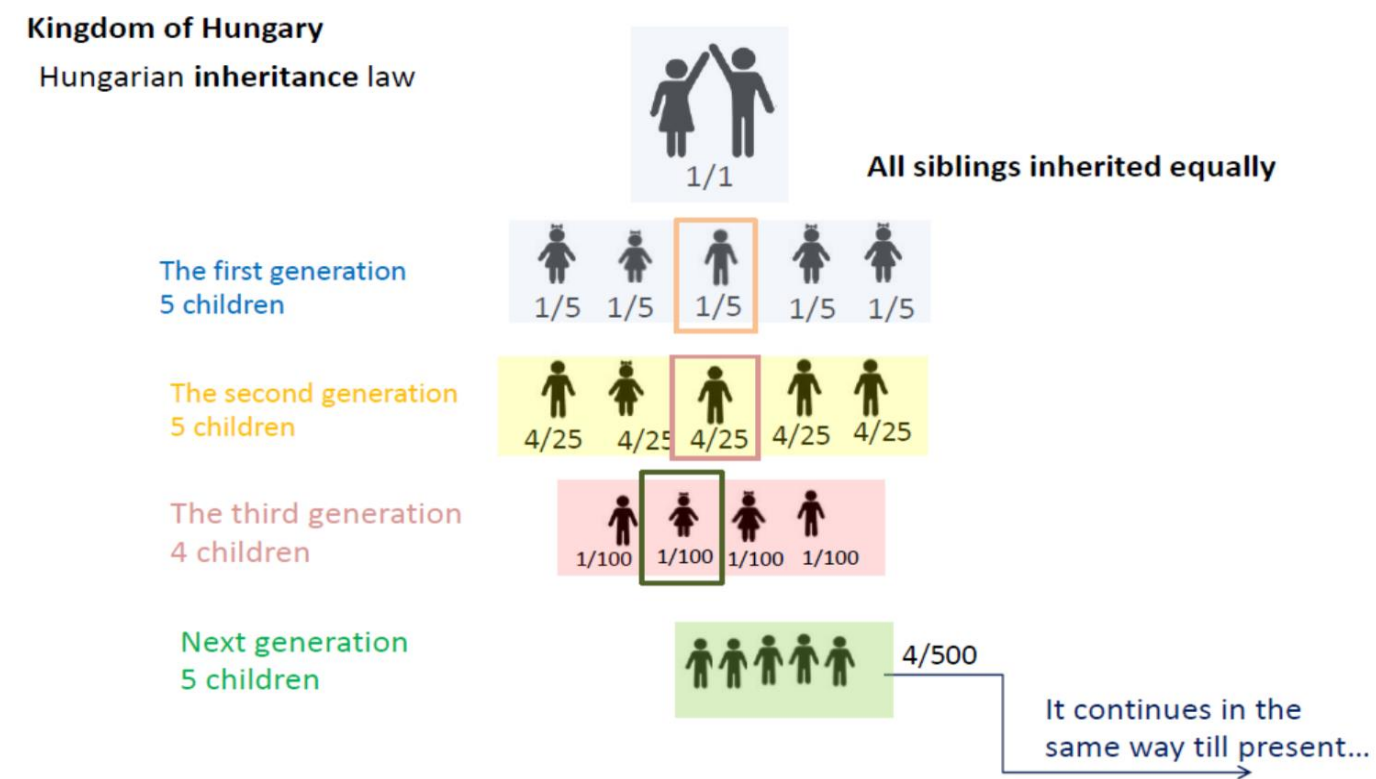
- Before 1948 - natural development of land property rights,
  - 1948- 1990 - socialistic period => violation of fundamental democratic principles of land, property rights
  - 1991 - restructuralisation of land property rights
- 
- all periods has influence on current situation in land ownership and tenancy

# Before 1918 – fragmentation

---

Influencing conditionalities:

## 1. Legal:



2. **technical**: small size of agricultural plots

3. **spatial dispersion** of land in the territory

# Period from 1948 to 1990

---

- 3 categories of land property rights and rights of use:

- state ownership - inviolability of state property

- cooperative using

- confiscated land
- collectivization



**division of property  
rights and rights of use  
(property rights existed  
but without the  
ownership rights)**

- private ownership

- aim: liquidation of private ownership

# 1948 – 1989 – land „consolidation“

---

Process of confiscation and collectivisation



Consolidated land use to the huge plots

Land registry registered only rights of use

# After 1991

## Restructuralisation in Land Property Rights

---

1. Amendment of Constitution and Acts
2. Renewal of Cadastre/land registry
3. Privatization of state companies to private demanders
4. Restoration of land to the origin owners
5. Transformation of agricultural cooperatives
6. Land consolidation



# 1. Amendment of Constitution and Acts

---

1. Constitutional Act. 460/1992 Coll. - Constitution of the Slovak Republic (The Right to the Protection of the Environment and the Cultural Heritage (Chapter II, Part VI, Article 44-45)
2. Civil Code (Act No 40/1964 Coll.)
3. Other acts

## 4. Restoration of the Property Rights

---

- restoration of property rights to original owners/or their descendents in accordance with land evidence/cadastral from the year 1948
- 2 restoration acts – 1991, 2003
- Entitled persons: Slovak citizen
- Restoration process finished in 2004

## 5. Transformation of Agricultural Cooperatives

---

1. Agricultural land: pass to the origin owners
2. Cooperative property – transformation project
  - 50% of the farm property- owners of agricultural land
  - 20% - for employees
  - 30% - tangible property (machines, animals)
- Allotment certificates published for those who were not interested in farming







# Problem... How to farm effectively on the land?

---

## Land tenancy

- more than 90% of agricultural land is rented
- special legal regulation of agricultural rental contract

## Temporary substitute land use

- **temporary legal institute of simple land consolidation**

## Land consolidation

- 8,7% of all territory is consolidated
- extremely complicated process

# Temporary substitute land use

---

- stabilize the land use
- entitled specific groups of subjects (previous agricultural cooperatives and owners whose land was collectivized) use temporary land in the big plots based on the decision of Land Department, District Office)



# Land consolidation

---

- fragmentation: average size of agricultural plot is 0,45 ha with 12 – 15 co-owners,
- 
- plots of one owner are fragmented in territory



- **Act related to restriction of land fragmentation** (from legal act or decision of state body can not arise plot of land less than 2000 m<sup>2</sup> for the agricultural land or land less than 5000 m<sup>2</sup> for the forest land.
- **consolidation** (mending, subdivision, land arrangements, implementation of communications, water, and recultivation measures in accordance with land property rights and land use)

# Rights to the agricultural land

---

- Constitution
- Civil Code



# Constitutional Regulation (Article.44-45)

---

- **Constitutional Act. 460/1992 Coll.** - Constitution of the Slovak Republic
- **The Right to the Protection of the Environment and the Cultural Heritage (Chapter II, Part VI, Article 44-45)**
- Provisions according to legal regulation is possible to divided on the provisions related to:
  1. *the position of persons*
  2. *the definition of care for the environment as one of the functions of the state*
  3. *economic foundations of the State*

# „Everyone has the right to a favorable environment“ – Article 44, sec. 1

---

- Subject to the right – **each**
- **Objective of the legislation** - to achieve **sustainable development** (a person's right to live in an environment which allows him/her to satisfy basic needs and to use them so that the loss in the diversity of nature and to preserve the natural functions of ecosystems)
- **The content and scope of constitutional rights** - expressed indirectly

*"Everyone is obliged to protect and enhance the environment and cultural heritage,, - Article 44, sec. 2*

---

- General obligation in respect of the environment
- Obligations- ***all individuals and legal entities***
- ***Environmental protection*** is the behaviour of the entity to maintain a favorable environment (§ 9 of Act No. 17/1992 Coll. "protection includes activities that prevent pollution or damage to the environment or that pollution or damage to reduce and eliminate")
- ***Environmental enhancement***- conduct of a person, that follows the aim to achieve the desired social or economic effect (not enforceable)

*"No one shall the limits laid down by the law to threaten or damage the environment, natural resources and cultural monuments (landmarks) - Article 44, sec. 3*

---

- General ban **threatening** and **damage** the environment, natural resources and the cultural monuments
- *natural resources = are those of the living and inanimate nature that a person uses or may use to meet their needs*
- *the precautionary principle* (complementary expression of a duty to protect and enhance the environment)



*„The state looks after a cautious use of natural resources, ecological balance, and effective environmental care, and provides for the protection of specified species of wild plants and animals“ Article 44, sec. 4*

---

- provided the state's role in caring for the environment
- it is a positive obligation of the state in this area
- realization of tasks in the public interest (ie. security by government authorities)
- *„Cautious use of natural resources“* - the practical, economical and sustainable use

---

*„Agricultural land and forest land as a non-renewable natural resources have special protection from the state and society.“ Article 44, sec. 5*

*„ Everyone has the right to timely and complete information on the state of the environment and causes and consequences of this condition,, Article 45*

---

- Related acts
  - Act No. 211/2000 Coll. on freedom of information
  - Act No. 205/2004 Coll. on the collection and dissemination of information on the environment
  - Act No. 3/2010 Coll. the national infrastructure for spatial information
- these laws: individualas and legal entities
- indirect tool for law enforcement to the favorable state of the environment
- two ways: *accessing of information and dissemination of information*

---

*Continues with the lecture II.*

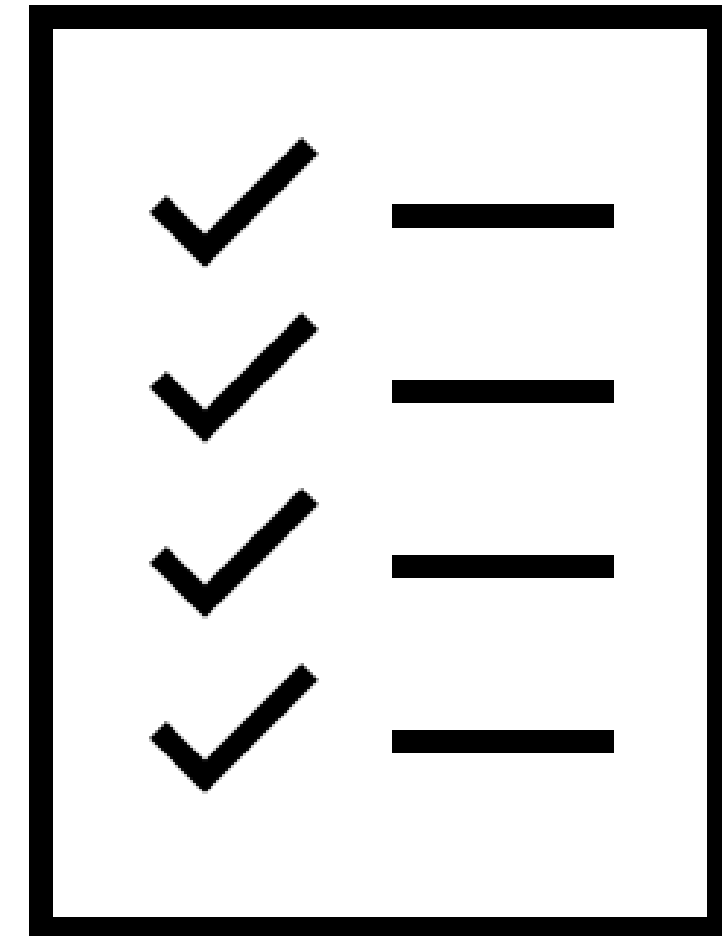
# Short Summary / key messages of the lecture

---

1. Which group has the largest share of land in Slovakia ?

- a) Private owners
- b) State
- c) Unknown owners

2. According to the constitution, who is obliged to protect and enhance the environment and cultural heritage?



# Thank you for your attention

---

Any question? Doubts?  
Feel free to reach me at:  
[lucia.palsova@uniag.sk](mailto:lucia.palsova@uniag.sk)

