

Лайчук С. М.

к.е.н., доцент,

Житомирський державний технологічний університет,

Україна;

e-mail: laychuksm@gmail.com; ORCID ID: 0000-0001-7939-1195

Остапчук Т. П.

к.е.н., доцент,

Житомирський державний технологічний університет,

Україна;

e-mail: ostapchuk-a@ukr.net; ORCID ID: 0000-0001-9623-0481

Поліщук І. Р.

к.е.н., доцент,

Житомирський державний технологічний університет,

Україна;

e-mail: polishuk.irina.r@gmail.com; ORCID ID: 0000-0002-6074-6627

ІНФОРМАЦІЙНО-ПРАВОВІ АСПЕКТИ ОБЛІКОВОГО ВІДОБРАЖЕННЯ ЗЕМЕЛЬНИХ РЕСУРСІВ СІЛЬСЬКОГОСПОДАРСЬКОГО ПРИЗНАЧЕННЯ

Анотація. У статті охарактеризовано нормативно-правові акти щодо обліку земельних часток (паїв). Запропоновано ряд синтетичних та аналітичних рахунків для балансового та позабалансового обліку права на земельні частки (паї) в користуванні сільськогосподарського підприємства. Розроблено методику обліку земельних часток (паїв) у державних чи комунальних сільськогосподарських підприємствах внаслідок їх приватизації.

Ключові слова: земельні ресурси, право на земельні частки, пайові внески, облік, пайовий капітал.

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Laichuk S. M.

Ph. D. in Economics, Associate Professor,

Zhytomyr State Technological University,

Ukraine;

e-mail: laychuksm@gmail.com; ORCID ID: 0000-0001-7939-1195

Ostapchuk T. P.

Ph. D. in Economics,

Associate Professor, Zhytomyr State Technological University,

Ukraine;

e-mail: ostapchuk-a@ukr.net; ORCID ID: 0000-0001-9623-0481

Polishchuk I. R.

Ph. D. in Economics, Associate Professor,

Zhytomyr State Technological University,

Ukraine;

e-mail: polishuk.irina.r@gmail.com; ORCID ID: 0000-0002-6074-6627

INFORMATION AND LEGAL ASPECTS OF ACCOUNTING FOR AGRICULTURAL LAND RESOURCES

Abstract. Analysis of recent research and also the accounting practices of entities of the agricultural sector showed that the questions of accounting ensuring of land resources of agricultural purpose in Ukraine is insufficiently developed, especially in terms of the reflection of transactions with land shares, which are the objects of the lease agreements. *The purpose* of the article is to develop methodological approaches to the accounting of transactions with land for agricultural purposes, the basis of which will be based on the reliability of the accounting

procedures and compliance with applicable legislation. Results. This article describes regulations regarding the calculation of land shares. A number of synthetic and analytical accounts for the balance sheet and off-balance sheet accounting of rights to land shares in the use of agricultural enterprise has been suggested. Conclusions. The method of registration of land shares in a state or municipal agricultural enterprises due to privatization has been developed.

Keywords: land resources, right to land shares, mutual contributions, accounting, share capital.

JEL Classification: K11, M41, Q15

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Лайчук С. М.

к.э.н, доцент,

Житомирский государственный технологический университет,

Украина;

e-mail: laychuksm@gmail.com; ORCID ID: 0000-0001-7939-1195

Остапчук Т. П.

к.э.н, доцент,

Житомирский государственный технологический университет,

Украина;

e-mail: ostapchuk-a@ukr.net; ORCID ID: 0000-0001-9623-0481

Поліщук І. Р.

к.э.н, доцент,

к.э.н, доцент,

Житомирский государственный технологический университет,

Украина;

e-mail: polishuk.irina.r@gmail.com; ORCID ID: 0000-0002-6074-6627

ИНФОРМАЦИОННО-ПРАВОВЫЕ АСПЕКТЫ УЧЕТНОГО ОТОБРАЖЕНИЯ ЗЕМЕЛЬНЫХ РЕСУРСОВ СЕЛЬСКОХОЗЯЙСТВЕННОГО НАЗНАЧЕНИЯ

Аннотация. В статье охарактеризованы нормативно-правовые акты по учету земельных долей (паев). Предложен ряд синтетических и аналитических счетов для балансового та внебалансового учета права на земельные доли (паи) в пользовании сельскохозяйственного предприятия. Разработана методика учета земельных долей (паев) в государственных или коммунальных сельскохозяйственных предприятиях в результате их приватизации.

Ключевые слова: земельные ресурсы, право на земельные доли, паевые вклады, учет, паевой капитал.

Формул: 0; рис.: 0; табл.: 1; библи.: 14.

Introduction. It took place the land privatization in Ukraine, and then it has arisen such concept as a land share. This right to land exists also today. At the moment, there is a process of transformation of land shares into land plots belonging to citizens by property rights.

Statistical data on Ukraine shows a small proportion of capital investment in land in the total amount of capital investments, in particular, in 2010 they made 0,65 %, in 2011 – 0,94 %, in 2012 – 0,64 %, in 2013 – 0,41 %, in 2014 – 0,46 %, in 2015 – 0,53 % [1].

We can see the necessity of researching the regulatory support of accounting in Ukraine. The data attest about the number of court decisions for 2013–2016, in particular, on land shares – 117294, including 5904 land shares after privatization, and 58 land shares in the formation of share capital [2]. It is precisely the absence of a clear procedure for displaying land transactions regulated by the current legislation distort the information in accounting and financial reporting about the rights to their use, minimizing the implementation of the property and organizational owners' rights of corporate rights.

Land shares are actively used by legal entities, and therefore the issue of their reliable accounting is important for agricultural land, as well as directly related to ensuring their protection, conservation and sustainable use not only at the level of economic entities but also at the state level. It is specified the procedure for the registration of land plot as a physical object and the right to use it in case of registration in share capital.

Analysis of recent research and problem statement. The issues concerning the legal basis and accounting for operations with agricultural land were considered by such authors as T. A. Bondar [3], P. I. Gaidutskyi and P. T. Sabluk [4], P. Kulinich [5, 6], V. Finashko [7], M.V. Shulga [8]. Problems of administrative and legal regulation of land relations and directions of efficient and rational use of land for environmental protection are covered in the researches of Kravcakova Vozarova I., Kotulic R., Sira E. [9], F. Brouwer, C. Martijn van der Heide [10], H. Shevchenko, V. Pakhomov, M. Petrushenko [11]. However, despite significant developments in the above-mentioned problems by the aforementioned scientists, there is no common approach to the accounting reflection of the shareholder contributions in the form of rights to land shares in equity capital (shares). It is required the clarification of the procedure for accounting of share contributions in case of founder exit from the membership and without the founder exit from the membership.

The analysis of the latest research, as well as accounting practices of the agricultural sector subjects, showed that the issues of accounting for agricultural land resources in Ukraine are not sufficiently developed, especially with operations with land shares that are objects of lease agreements.

The purpose of the article is to develop methodological approaches to the accounting of operations with agricultural land resources, which will be based on the reliability of accounting procedures and compliance with the existing legislation.

Research results. A considerable part of agricultural lands, which during the process of land reform were received into private property by the citizens, were transferred by them to agricultural producers mainly on the terms of lease. As for tenants of agricultural land, as practice shows, they are in fact not interested in increasing the soil fertility. The tenancy as an object of a lease contract is mostly considered as the main source and reliable way of maximum and urgent profit gain. Moreover, most part of land lease agreements are concluded for a short period. Such lease does not encourage tenants to invest heavily in order to increase soil fertility [8]. In addition, ensuring the protection and sustainable use of leased agricultural land (land shares) is deteriorating because of inaccurate accounting of transactions associated with them in the activities of economic entities.

Issues of legislative regulation of relations that arise in obtaining and using of land shares are the basis of their accounting reflection.

The main document that certified the right to a land share is a certificate for the right of land share issued by the district (city) state administration. The documents certifying the right of land share also are: a certificate of the right of inheritance; agreements of purchase, sale, exchange, deed of gift, which are accompanied by a certificate for the right of land share; court decision on the recognition of the right of land share [12, p. 2].

Reasons for land allocation to the owners of land shares in kind are the decisions of corresponding village, town, city council or district state administration [12, p. 3].

Individuals owned the certificates for the right of land share who wanted to receive the land share in kind (in the locality), submit an application for land allocation in kind (in the locality) to the corresponding respective village, town, city council or district state administration [12, p. 3].

Relations related to the emergence, use and other operations with land shares are regulated mainly by bylaws. It is indicated about the disorderly and imperfect legislative regulation in this area. According to the above mentioned normative legal acts it can be concluded that for land sharing were subject of collective agricultural enterprises, cooperatives, joint-stock companies, which are used on the right of collective ownership. On their basis, it is possible to create private (private-leasing) enterprises, peasant (farmer's) farms, business associations, agricultural cooperatives and other economic entities based on private ownership. And also land shares can be

leased by their owners; realized, granted, exchanged, inherited, pawned; can be allocated in kind (in the locality), that means, converted into a real land plot.

A land share cannot be considered as a land plot, because it represents a nominal share of agricultural land, the size of which is defined as the average farm in the conditional cadastral hectares. Unlike a land plot with clearly defined boundaries and size in hectares, the location and boundaries of land share are uncertain. A citizen, who got a land share, does not know the exact location of its location in the fields of the agricultural enterprise [6].

From the legal point of view, land sharing is a legal fact, which entails the transfer of each member of an agricultural enterprise to which a land share has been allocated, only the right to dispose of it. Therefore, the owner of such share cannot own and use the land share. Consequently, he cannot transfer the right to use a share to another person, for example, on the basis of a lease agreement, because nobody can transfer to another person more rights than he has.

Thus, a certificate for the right of land share should be considered as an entitlement document, which certifies that the owner has only one power - the right to dispose of a land share. The owner of the land share and the owner of the land plot have different powers: the owner of the land plot is endowed with all owners' powers, and the person entitled to a land share – has only the right of the disposal. Therefore, the certificate for the right of a land share cannot be considered as a legal document that certifies all three owners' powers of the land plot - ownership, use and disposal of it.

However, certificates for the right of a land share received by citizens are considered as entitlement documents in case of realization by them the right to demand the allocation of land share in kind (in the allocation) in accordance with the Land Code [13].

There is also other type of entitlement to a land share, different from those shares provided to employees in dismantling the lands of collective agricultural enterprises. Such share is given to citizens from the lands of state and communal agricultural enterprises at their privatization. The legal regime of land share to which the employees of state and communal agricultural enterprises, institutions and organizations are entitled, are substantially different from the legal regime of the land share received by the members of collective and other agricultural enterprises owned the land on the right of collective ownership .

Kulinich P.F., considering the characteristics of the right of land share granted in the disintegration of lands of collective agricultural enterprises and the privatization of state or communal agricultural enterprises, notes their differences [6]. As opposed to, the unification of land of collective agricultural enterprises, in contrast to the privatization of state or communal agricultural enterprises, must be certified by a certificate for the right of land share. It is provided as a permanent right and is the object of market circulation.

Thus, there is a significant difference between land shares issued through the scattering of land of collective agricultural enterprises and the privatization of state or communal agricultural enterprises. Land shares allocated by privatization are temporary legal form that gives employees the right to receive land plots in kind as their own. Accordingly, such share cannot be alienated, which in fact does not provide its owner with any rights to the land until the receipt of a state act of land ownership rights. The right for land share granted to members of collective agricultural enterprises gives more rights to their owner and is not limited in the period of existence. The common feature of both types of land shares is to provide them only to agricultural enterprises which change their ownership form, or are closed.

In our opinion, the system that was created in connection with the formation and use of land shares provided as a result of the land dispersal of collective agricultural enterprises, is imperfect and contradict legislative norms. However, the legislative recognition of lease of land shares becomes the basis for their accounting.

Individuals may grant a right to land lease. It is necessary to conclude a lease agreement between the enterprise, which uses land for agricultural needs (tenant), and the individual - the owner of the share (the lessor). The rental fee can be paid in cash, in kind and in working form, that must be specified in the agreement.

We agree with T. A. Bondar [3], who thinks that leasing of land shares in accordance with Regulation (Standards) of Accounting 14 “Lease” refers to an operating lease, so far as the property right does not transfer to the tenant. Therefore, land shares leased from individuals are displayed at the lease cost, which is defined in the agreement on the off balance sheet account 01 “Leased non-current assets”. The debit of this account will include acceptance of leased land shares for registration, and credit include returning to the lessor and transferring debts from him on the balance.

According to the letter of the Ministry of Finance of Ukraine “On the reflection in the accounting of land lease transactions”, except the agreement cost in cash and / or in kind, it is also kept records by type of land and its qualitative characteristics on the account 01 [14]. According to this letter, account of charges is debited by the reflection of the rent of land shares and the subaccount 685 “Payments with other creditors” is credited. On this subaccount it is conducted the accounting in the context of the holders of certificates for the right for a land share and a state act of land property rights.

If the lease payment of a land share is paid in kind or in a working form, the revenue from the sale of goods (works, services) is recognized. Therefore, there is a tax liability with VAT.

We agree with the opinion of V. Finashka, who affirms that in any case by the payment of rent for individual persons it is withheld the personal income tax, but if it is paid in kind, the tax base is determined by taking into account the natural coefficient [7].

The current method of lease of land shares corresponds to the general method of accounting of non-current assets, but in this case it becomes more possible the use of different types of rent: cash, noncash, working one. This is connected with the functioning of enterprise in the agriculture industry of and the debt repayment by its own products, what is often used with cash payments.

When forming share capital of companies, the contributions are made by shareholders in the form of rights for land shares. It is proposed to account them on the balance account 122 “The rights of use the property” with the opening of the analytical account 1224 “The right to land shares in the use of agricultural enterprises” and also on the new off-sheet subaccount 0101 “Mutual land fund in the use of agricultural enterprises” to the account 010 “Land plots in use”. Such approach is justified by the need to reflect in the enterprise not only the right to use the land plot (included the right to land share), but also the land plot as a physical object, which may in the allocation of land shares in kind to transform to the land plot, which remains at the enterprise, however, on the property rights, or transferred to a shareholder by his exit.

The contribution of land share to capital is reflected by the emergence of intangible assets – rights to use property and the formation of share capital, namely: in the subaccount 402 “Share capital”. The use of land, received from the rights holders of land share, is accompanied by the payment of dividends. The shareholder's exit from the founders is accompanied by the allocation of the land plot in kind, and as a result the share contribution is cancelled by writing off the share capital and the rights to use the property.

The enterprise has obligations to the founders who have the rights to a land share, in case of their exit from the enterprise to satisfy the requirement to allocate them the appropriate land plot. The allocation of a land plot in kind is reflected by the reduction of share capital and the emergence of an obligation to the founder. At the same time, the rights to use the land plot, contributed as a share, are transferred to the land assets in connection with the allocation in kind (the definition of a specific land plot, its area, boundaries). At the same time it is carried out the writing off the balance sheet; the land plot is transferred to a shareholder, who exits the enterprise, for extinction of obligation to him.

Privatization of land plots of state and communal property is allowed in Ukraine. The accounting of land shares, allocated to employees from the lands of state or communal agricultural self-supporting enterprises as a result of privatization, is reflected in the Table 1.

According to the Table 1, it is suggested that the emergence of land shares as a result of privatization should be reflected by the writing off the authorized capital with the simultaneous obligations' emergence to employees who have rights to a land plot.

Table 1

The accounting method of land shares in state or communal agricultural enterprises as a result of their privatization*)

| № | The content of business operations | The correspondence of accounts | |
|---|--|--|--|
| | | Debit | Credit |
| 1 | It is made a decision on land disintegration of a state or municipal enterprise in connection with the privatization | 401 "Authorized capital" | 672 "Settlement for other payments" |
| 2 | It is transferred land plots to intangible assets in connection with their disintegration | 1224 "Right to land shares in the use by an agricultural enterprise" | 101 "Land plots" |
| | | 0101 "Mutual land fund in the use of agricultural enterprises" | – |
| 3 | There are incurred expenses for land disintegration and registration of their allocation in kind | 92 "Administrative expenses" | 685 "Payments with other creditors" |
| 4 | The obligations are repaid that arose during the registration and allocation of land plots in kind | 685 "Payments with other creditors" | 311 "Current accounts in national currency" |
| 5 | There are transferred land shares into land assets after their allocation in kind | 101 "Land plots" | 1224 "Right to land shares in the use by an agricultural enterprise" |
| | | – | 0101 "Mutual land fund in the use of agricultural enterprises" |
| 6 | There are transferred land plots to employees who own land shares | 672 "Settlement for other payments" | 101 "Land plots" |

*) Source: developed on the basis of Article 25 of Land Code of Ukraine

Conclusions. Thus, the accounting of land shares in the economic literature is highlighted mainly in the context of their lease. In addition to land shares that were allocated as a result of land disintegration of collective agricultural enterprises, there are land shares that are provided to employees of state or communal enterprises at privatization, the accounting of which is also still not revealed. Therefore, the proposed methodical approaches to accounting reflection of these operations in the business entities are necessary for their accounting practices, in the part of their delimitation into two types. It will facilitate their full and correct reflection in the activities of agricultural enterprises.

At the decision point to land disintegration, it is proposed to transfer land assets into intangible assets – 1224 "Right to land shares in the use by an agricultural enterprise" to the subaccount "Rights to use the property" with the simultaneous reflection of land plots in the off-balance sheet subaccount 0101 "Mutual land fund in the use of agricultural enterprises". In connection with the allocation of land plots in kind, the enterprise bears the costs of re-issuing rights that are proposed to reflect as part of administrative costs. After the land allocation in kind, it is necessary to transfer their land shares to the land assets, writing off them from balance. At the moment of transfer of the land plot to a shareholder, it is repaid the enterprise debt before him through writing off them from balance sheet.

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Поліщук І. Р.

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Polishchuk I. R.