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LAND LAW PRINCIPLES IN THE POST-SOVIET STATES

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ABSTRACT

The purpose of the article is to conduct a comparative analysis of the legal technique of enshrining the principle of land law in a number of post-Soviet states. The study sources are the Constitutions and Land Codes of the post-Soviet states enshrining the land law principles. The methodological basis of the study consists of the formal-legal analysis (interpretation method) of normative legal acts and the comparative-legal method. The authors consider the land law principles as the initial, basic normatively fixed ideas underlying the legal regulation of land relations. In Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan, and Ukraine, the primary land law principles are enshrined in Constitutions and Land Codes. The minimum number of land law principles enshrined in the Land Codes of post-Soviet states ranges from five to twelve. Simultaneously, in the legislation of any state, there is no exhaustive list of land law principles.

Keywords: land law, principles of law, classification of law principles, post-Soviet space, positivism

INTRODUCTION

The land legislation of any state is based on ideas that define the essence and nature of land legal relations and the entire corresponding sphere of legal regulation as a whole. Such ideas are commonly called principles of law. The authors proceed from the positivist understanding of the principles of law [Hart, 1961, Raz, 1972, Alexandrov, 1957, Lukasheva, 1970, Demichev & Iliukhina, 2019a], which implies that the land law principles are not any, but only the basic ideas that underlie land law, which are enshrined in the

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texts of normative legal acts. This article investigates the land law principles of the states located in the territories that were formerly part of the Soviet Union and now have the geopolitical name of "post-Soviet space".

All post-Soviet space states are currently part of the Romano-Germanic legal family (the continental law family). As is known, the family of continental law is characterized by the primacy of normative legal acts in the system of legal sources, the presence of written constitutions with supreme legal force, the division of law into branches, and some other features [David, 1964, Zweigert & Koetz, 2000, Seregin, 2020].

The purpose of the article is to conduct a comparative analysis of the legal technique of enshrining the principle of land law in a number of post-Soviet states. The authors do not consider the very content of the land law principles since this is a topic for special research. Besides, the content of many land law principles in the Russian Federation was well studied earlier [Volkov, 2005, Burov, 2011, Khotko, 2014, Tyutyunik, 2017].

For comparison, the authors do not take all post-Soviet states, but only those with regulations codifying land laws and establishing the land law principles. Accordingly, Georgia's land law principles, since there is no codified land act in this state, are not considered. Besides, the article does not explore the land law principles of the Republic of Azerbaijan and the Republic of Moldova since neither the Constitution of the Republic of Azerbaijan nor the Land Code of the Republic of Azerbaijan dated June 25, 1999, No. 695-IQ have a place for the land law principles, as well as the Constitution of the Republic of Moldova dated July 29, 1994, and the Land Code of the Republic of Moldova dated December 25, 1991, No. 828-XII.

The Land Code of Turkmenistan of October 25, 2004, the Land Code of the Republic of Azerbaijan, and the Land Code of the Republic of Moldova do not contain the land law principles. However, unlike Azerbaijan and Moldova, Article 12 of the Constitution of Turkmenistan found space for one but the globally fundamental principle of land law: the principle of securing the right of private land ownership.

The paper also does not consider the Baltic states' land law principles (Latvia, Lithuania, and Estonia) since this issue requires special study due to the specific position they occupied in the Soviet Union and the rapid integration into the European Union.

Thus, the authors focus on the land law principles of post-Soviet states like Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan, and Ukraine.

MATERIALS AND METHODS

The authors have noted earlier that in states belonging to the continental legal family, the essential normative legal act is the written constitution. This is also wholly characteristic of the states of the post-Soviet space. Moreover, the relevant documents' texts expressly enshrine the rule that the Constitution has supreme legal force. Thus, part 1 of Article 15 of the Russian Federation's Constitution [1993] contains the following norm: "The Constitution of the Russian Federation has the highest legal force, direct effect and is applied throughout the Russian Federation's territory. Laws and other legal acts adopted in the Russian Federation must not contradict the Russian Federation's Constitution". Part 1 of Article 5 of the Constitution of the Republic of Armenia [1995] enshrines the following provision: "The Constitution has supreme legal force"; Article 7 of the Constitution of the Republic of Belarus [1995]: "The state, all its bodies, and officials shall act within the limits of the Constitution and the legislative acts adopted in compliance with it. Legal acts or their provisions, which are recognized following the procedure established by law as contradicting the provisions of the Constitution, have no legal force". Similar norms are contained in Article 4 of the Constitution of the Republic of Kazakhstan [1995], Article 6 of the Constitution of the Republic of Kyrgyzstan [2010], Article 10 of the Constitution of the Republic of Tajikistan [1994], Articles 15 and 16 of the Constitution of the Republic of Uzbekistan [1992], Article 7 of the Constitution of Ukraine [1996].

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Since the authors proceed from a positivist understanding of the principles of law, the sources underlying the study are the codified normative legal acts in the field of the land law of the eight countries under study and the Constitutions of these states.

The methodological basis of the study is the formal legal analysis (interpretation method) of normative legal acts and the comparative-legal method. The first of these methods allows identifying the land law principles in the legislation of the studied states, and the comparative-legal method allows conducting a comparative study of these principles and methods of consolidation.

RESULTS AND DISCUSSION

Within the comparative study of the land law principles, the authors focus on three issues: 1) ways of enshrining the land law principles in the texts of normative legal acts; 2) the number of land law principles; and 3) the application of law principle classifications to the land law principles.

Ways of enshrining the land law principles in the texts of normative legal acts

There are three main ways to consolidate law principles in the text of a normative legal act [Demichev & Iliukhina, 2019b]. First, when a codified act highlights a chapter that uses the word "principle" in its title. Second, when the codified act highlights an article in the title of which the word "principle" is used. Third, when the text of the code does not contain a structural element with the word "principle" in its title, but in the text of individual articles, the legislator sets forth the main ideas of the relevant branch of law, using or not using the word "principle" at the same time.

An analysis of the Land Codes of Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan, and Ukraine concludes that in all of them, except for the Land Code of the Republic of Armenia, the land law principles are enshrined in a separate article. Thus, in the three Land Codes, the corresponding articles are called "Basic Principles of Land Legislation" [Article 1 of the Land Code of the Russian Federation, 2001, Article 1.3 of the Land Code of the Republic of Tajikistan, 1996, Article 2 of the Land Code of the Republic of Uzbekistan, 1998]. In the three Land Codes, the articles enshrining the land law principles are called "land law principles" [Article 3 of the Land Code of the Kyrgyz Republic, 1999, Article 4 of the Land Code of the Republic of Kazakhstan, 2003, Article 5 of the Land Code of Ukraine, 2001]. Only in the Land Code of the Republic of Belarus [2008], the land law principles are set out in an article with a different title: "Basic Principles of Land Relations" [Article 5].

Having studied the content of the above norms of land legislation of the above states, the authors argue that, despite some differences in the names, the legislator in all cases meant the same thing – the basic ideas regulating land legal relations. Simultaneously, adhering to the positivist legal understanding, the concepts of "land law principles" and "principles of land legislation" are considered synonyms since law cannot exist outside of legislation. Also, the relationship between the principles of law and the principles of legislation can be seen "as the content (principles of law) and form (principles of legislation)" [Sumenkov, 2009, p. 23].

The legislator did not allocate any special chapters devoted to the land law principles in the Land Codes of the post-Soviet states. The third way of stating the law principles in the text of a codified act is used only in Armenian legislation. The Land Code of the Republic of Armenia does not contain a structural element with the word "principle" in its name; however, Article 4 of this normative legal act contains the following wording "Regulation of land relations is based on…" and further lists the main ideas determining the regulation of land relations, that is, the land law principles. One more point to note: the Armenian legislator uses the word "principle" in the Land Code text. For instance, Clause 15 of Part 1 of Article 2 mentions the principle of payment, and Clause 3 of Part 1 of Article 4 mentions the equality principle of property subjects in land relations.

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The number of land law principles

Determining the number of land law principles is not as simple as it seems at first glance. There are at least two reasons for this.

First, as noted earlier, the land law principles (as well as any branch) are enshrined not only in sectoral legislation but also at the constitutional level. Simultaneously, there is a problem of distinguishing the constitutional law principles, which will be considered later.

Second, the list of land law principles, enshrined in the Land Codes of the post-Soviet states, is open; that is, it is assumed that there may be others in addition to the principles mentioned. This is evidenced by the wording "Basic Land Law Principles" in the titles of articles in the Land Codes of the Russian Federation, the Republic of Tajikistan, and the Republic of Uzbekistan and "Basic Principles of Land Relations" in the Code of the Republic of Belarus "On Land". Obviously, using the combination of "basic principles", the legislator assumes the presence of other "non-basic" principles.

The authors also note that Part 2 of Article 1 of the Land Code of the Russian Federation contains a norm according to which it is permitted to establish the principles of land legislation by other (except for the Land Code) federal laws.

In countries where the list of land legislation principles in the Land Codes looks closed (Kyrgyz Republic, Republic of Kazakhstan, Ukraine) due to the use of the wording "Land Law Principles", in reality is also open. This is evidenced by the fact that, for example, Part 1 of Article 3 and Part 1 of Article 4 of the Land Code of Ukraine state that land relations are regulated by the Constitution of Ukraine, the Land Code of Ukraine, and regulations adopted following them. Naturally, other normative acts may also contain ideas that are important for regulating land relations. Similarly, Article 6 of the Land Code of the Republic of Kazakhstan stipulates that the land legislation of this state is based on the Constitution of the Republic of Kazakhstan and consists, apart from the Land Code, of normative legal acts adopted under it, and Part 1 of Article 2 of the Land Code of the Kyrgyz Republic stipulates that land relations are regulated by the Constitution of the Kyrgyz Republic, the Civil Code of the Kyrgyz Republic, the Land Code, the laws of the Kyrgyz Republic, as well as decrees of the President of the Kyrgyz Republic issued under them, resolutions of the Jogorku Kenesh of the Kyrgyz Republic and resolutions of the Government of the Kyrgyz Republic.

Based on the above, the question of the number of land law principles in each post-Soviet states understudy will always be debatable. At the same time, it can be stated with absolute certainty that at least a certain number of land law principles are currently enshrined in post-Soviet states' land legislation.

Thus, the Land Code of the Republic of Belarus enshrines at least eleven principles: 1) state regulation and management in the field of land use and protection, including the establishment of a unified procedure for withdrawal and granting of land plots, transfer of land from one category and type to another; 2) mandatory state registration of land plots, rights and transactions; 3) unity of fate of a land plot and capital structures (buildings, structures) located on it, unless otherwise provided for by the present Code and other legislative acts; 4) use of land plots according to their designation; 5) priority of agricultural, nature protection, recreational, historical, and cultural lands, and forest lands of the forest fund with the designated purpose of the land; 6) effective use of lands; 7) protection of lands and improvement of their valuable qualities; 8) payment for land use; 9) establishment of limitations (encumbrances) on rights to land plots including land servitudes; 10) openness and consideration of public opinion during decision-making on withdrawal and allocation of land plots, changing their designation, establishment of limitations (encumbrances) on rights to land plots, including land servitudes, which affect the rights and legally protected interests of citizens; 11) protection of the rights of land users [Article 5 of the Code of the Republic of Belarus "On Land", 2008].

The legislation of Kazakhstan establishes at least ten principles of land law: 1) integrity, inviolability, and inalienability of the territory of the Republic of Kazakhstan; 2) preservation of land as a natural

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resource, the basis of life and activity of the people of the Republic of Kazakhstan; 3) protection and rational use of lands; 4) ensuring environmental safety; 5) purposeful use of lands; 6) priority of agricultural lands; 7) providing information on the condition of lands and their accessibility; 8) state support of measures on use and protection of lands; 9) prevention of damage to land or elimination of its consequences; 10) payment for land use [Article 4 of the Land Code of the Republic of Kazakhstan, 2003].

There are at least twelve principles of land law enshrined in Kyrgyz law: 1) preservation of land as a natural object, the basis of life, development, and activities of the people of the Kyrgyz Republic; 2) ensuring state and environmental safety; 3) formation of the land market and its effective functioning; 4) observance and protection of rights and legitimate interests of landowners and land users; 5) effective use of land; 6) purposeful use of land; 7) priority of agricultural land; 8) accessibility of information on land rights; 9) state support of land use and protection activities; 10) prevention of land damage or elimination of its consequences; 11) payment for land; 12) equality of all forms of land ownership [Article 3 of the Land Code of the Kyrgyz Republic, 1999].

There are at least eleven principles of land law enshrined in Russian legislation: 1) consideration of the significance of land as the basis of human life and activity, according to which the regulation of relations on the use and protection of land is based on ideas of land as a natural object protected as the most important component of nature, a natural resource used as a means of production in agriculture and forestry and the basis for economic and other activities in the Russian Federation, and simultaneously as real property, the object of ownership and other rights; 2) priority of protection of land as an essential component of the environment and means of production in agriculture and forestry over the land use as immovable property, according to which possession, use and disposal of land shall be carried out freely by owners of land plots if it does not cause damage to the environment; 3) priority of protection of human life and health, according to which when carrying out activities involving the use and protection of lands such decisions shall be made and such activities shall be carried out which would allow preserving human life or preventing negative (harmful) impact on human health, even if it requires considerable expenses; 4) participation of citizens, public organizations (associations), and religious organizations in resolving issues concerning their rights to land, according to which citizens of the Russian Federation, public organizations (associations), and religious organizations have the right to participate in preparing decisions, the implementation of which may have an impact on the condition of the land in its use and protection, and the state authorities, local authorities, and entities involved in economic and other activities are required to provide the possibility of participation in the procedure and in the forms established by law; 5) unity of fate of land plots and integral objects, according to which all objects integral to land plots follow the fate of land plots, except for cases established by federal laws; 6) priority of preservation of especially valuable lands and lands of specially protected territories, according to which any change of designation of valuable lands of agricultural purpose, lands occupied by protective forests, lands of specially protected natural territories and facilities, lands occupied by cultural heritage sites, other especially valuable lands and lands of specially protected territories for other purposes shall be limited or prohibited in an order established by federal laws; 8) categorization of lands according to their designation, according to which the legal regime of lands is determined based on their belonging to a certain category and permitted use in accordance with territorial zoning and legal requirements; 9) differentiation of state ownership of land into ownership of the Russian Federation, ownership of subjects of the Russian Federation and ownership of municipalities, according to which the legal basis and procedure for such differentiation shall be established by federal laws; 10) differentiated approach to the establishment of a legal regime for lands, according to which natural, social, economic, and other factors shall be taken into consideration when establishing the legal regime for

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lands; 11) combination of public interests and legal interests of citizens, according to which regulation of the use and protection of lands shall be performed in the interests of the entire society while ensuring guarantees for each citizen for free possession, use, and disposal of the land plots owned by him [Article 1 of the Land Code of the Russian Federation, 2001].

Note that, unlike in all other states under consideration, only in the Russian Federation's legislation, land law principles are not merely named, but an attempt is made to disclose their content. The authors believe that this approach is the most optimal for law enforcement, as a law enforcer in the practical activity must understand to the maximum extent what the legislator meant when formulating a principle of law.

The legislation of Tajikistan enshrines, as in Russia, no less than eleven principles of land law: 1) preservation of the Unified state land fund, improving the quality and fertility of soils as the most important natural resource; 2) ensuring the effective use of land; 3) ensuring the superior protection, expansion, and strict purposeful use of agricultural land; 4) organization of the land use rights market, its effective functioning and prevention of monopoly activities in the land use rights market; 5) providing state support in carrying out measures to increase the fertility of agricultural land, improve the reclamation condition, and protect land; 6) non-interference by state bodies in the activities of private individuals and legal entities in the acquisition, use, and disposal of the right to use land plots, except in cases envisaged by the Land Code and legislation of the Republic of Tajikistan; 7) prevention of damage to land, the environment and ensuring environmental safety; 8) diversity of management forms, ensuring the equality of land users, protection of their legal rights and interests; 9) ensuring equal rights of participants in land relations, protection of their legitimate rights and interests; 10) payment for land use; 11) accessibility of information about land plots [Article 1.3 of the Land Code of the Republic of Tajikistan, 1996].

The Land Code of the Republic of Uzbekistan establishes at least eight principles of land law: 1) preservation of land fund, improving the quality and fertility of soils as the most essential natural resource, the basis of life activity of citizens; 2) ensuring the rational, effective, and purposeful use of lands; 3) ensuring the special protection, expansion, and strictly purposeful use of agricultural lands, especially irrigated lands; 4) providing state and other support in realization of measures aimed at increasing the fertility of agricultural lands, improving the meliorative condition and land protection; 5) preventing damage to land and the environment, ensuring environmental safety; 6) diversity of forms of land possession and use, ensuring equality of participants in land relations, protection of their legal rights and interests; 7) payment for land use; 8) ensuring completeness and accessibility of information on land conditions [Article 2 of the Land Code of the Republic of Uzbekistan, 1998].

Ukrainian legislation contains at least six principles of land law: 1) combination of peculiarities of land use as a territorial basis, natural resource, and primary means of production; 2) ensuring equality of land ownership by citizens, legal entities, territorial communities, and the state; 3) non-interference by the state in the exercise by citizens, legal entities, and territorial communities of their rights to own, use, and dispose of land, except as provided by law; 4) ensuring the rational use of land; 5) ensuring guarantees of land rights; 6) priority of environmental safety requirements [Article 5 of the Land Code of Ukraine, 2001].

As for the number of land law principles of the Republic of Armenia, despite the previously noted specifics of their consolidation in the Land Code of the Republic of Armenia, at least five principles of land law may be singled out: 1) combining the use of land as a natural object and object of immovable property, the primary means of production, as well as the territorial basis; 2) diversity of subjects of ownership and land use, on establishing the powers of state administration bodies and local self-government in the regulation of land relations in the Republic of Armenia; 3) equality of ownership subjects in land relations; 4) unacceptability of state interference, contradicting the law, in the activity of citizens and legal entities

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in disposing and using the land [Clauses 1–4 of Part 1 of Article 4 of the Land Code of the Republic of Armenia, 2001]; 5) principle of payment [Clause 15 of Part 1 of Article 2 of the Land Code of the Republic of Armenia, 2001].

For all the diversity of the land law principles in the post-Soviet states under study, there are apparent similarities among many of them. The authors emphasize one such principle, namely the principle of payment for land use. The legislators of all the states of the post-Soviet space (except for Ukraine), whose land legislation is analyzed in this article, have fixed the provision on land use payment as a principle, the fundamental idea of land legislation. In Ukraine, the land use is paid – Article 206 of the Land Code of Ukraine is called "Land Fee".

In the authors' opinion, legislators' special attention in different countries to the land use payment is because, in the Soviet Union, the land use for citizens was free or almost free. However, with the introduction of a market economy and the collapse of the Soviet Union, the economic and value priorities in this area have changed. The consequence of this was not just a normative regulation of fee-based land use but the elevation of this idea to the rank of a law principle.

Application of the classifications of the law principles to the land law principles

In the Soviet and post-Soviet legal literature, the law principles are traditionally divided into general legal, intersectoral and sectoral [Alekseev, 1972, pp. 105–106, Marchenko, 1998, pp. 24–26]. The classification criterion, in this case, is the scope of the principle: principles underlie all legal regulation (general or general legal principles), the same principles are characteristic of several branches of law (intersectoral principles), the principle is characteristic of only one branch of law (sectoral principles). This classification was successfully adapted by G.A. Volkov concerning the principles of land law in Russia [Volkov, 2005, p. 66]. In turn, A.Ya. Ryzhenkov, without analyzing the general law principles, explores the legally established intersectoral, sectoral, and institutional land law principles [Ryzhenkov, 2017].

A specific classification of the land law principles was proposed by E.V. Syrykh. Based only on the analysis of Article 1 of the Land Code of the Russian Federation, it distinguishes: 1) principles of land protection and use; 2) principles related to the right of citizens and their associations to land; 3) principles of state land management; 4) differentiated approach to the establishment of the legal regime of land; 5) principles related to land as a real estate object [Syrykh, 2006, p. 11]. This classification has a particular cognitive potential, but it is not focused on the law enforcement officer and has no practical significance. Another drawback is its narrowness – there is an attempt to classify only the normative provisions enshrined in the Land Code of the Russian Federation. For example, the constitutional principles of Russia's land law, which are not duplicated in the Land Code of the Russian Federation, remain without attention.

Commenting on the Land Code of the Russian Federation G.A. Volkov, A.K. Golichenkov and O.M. Kozyr, without specifying the classification criteria, combine all the principles of land law into four groups: a) environmental, b) social, c) economic, d) legal [Volkov, Golichenkov, Kozyr, 2002, p. 10], and then reveal their content [Volkov, Golichenkov, Kozyr, 2002, pp. 10–21]. Please note that within the framework of this classification, the authors systematize only the Russian land legislation principles specified in Article 1 of the Land Code of the Russian Federation and do not affect other land law principles.

Based on the above classification, A.S. Tyutyunik proposed to divide the land law principles into the environmental, social, property, and managerial based on such criteria as the type of land relations regulated by the principles [Tyutyunik, 2017, p. 49]. However, this classification has the same disadvantage as the previous one.

Unlike all previously considered classifications, the positivist classification of the law principles implies the separation of the law principles based on such a criterion as the source of law principles. Accordingly,

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the law principles can be divided into three groups: 1) constitutional law principles, not duplicated in the industry code; 2) constitutional law principles that are duplicated in the sector code; 3) sectoral law principles enshrined in the sectoral legislation.

The above classifications do not contradict but complement each other. At the same time, the positivist classification has an essential advantage over others: it allows determining the place of each principle in the system of principles of the law branch and its role in the system of legal regulation as a whole; it allows to identify the nature, advantages, and disadvantages of ways to consolidate the principles in the texts of normative legal acts, to unify and optimize these methods.

In this context, the question of the relationship between general legal and constitutional principles is essential. G.A. Volkov believes that "the general law principles are manifested in the constitutional principles, which in turn act as the constitutional basis for the principles and norms of land law" [Volkov, 2005, pp. 34–35]. In our opinion, all general legal principles are constitutional because they are the basis of all legal regulation, the basis of each branch of law (for example, the principle of legality). However, not all constitutional principles can be attributed to general legal ones. Thus, the principle of the presumption of innocence is enshrined in the Constitutions of many states. Therefore, in these countries, the presumption of innocence is a constitutional principle. However, the presumption of innocence is not a general legal principle, as its scope of application is limited to proceedings in criminal, administrative, and tax cases. In the authors' opinion, the principle of independence of judges (as the court is a party to legal relations not in all branches of law), the principle of adversarial proceedings (this is the principle of procedural branches of law), the language of proceedings (this principle is also exclusively procedural), which are enshrined at the constitutional level in different countries, are not general legal principles. These principles are intersectoral in nature. Some constitutional principles may be exclusively sectoral. Thus, the existing principle of freedom of labor in Russian law, enshrined in Parts 1 and 2 of Article 37 of the Russian Federation's Constitution, is only a labor law principle.

When highlighting the constitutional principles of law, there is a serious problem: the legislator does not name the articles in the text of the Constitution. This legal technique of setting forth constitutional norms makes it difficult to perceive provisions of a constitutional act to be considered a law principle. The exception is the Republic of Armenia's Constitution's current version, the articles of which have titles. Furthermore, some of them contain the word "principle" (for example, Article 6 "Principle of legality", Article 71 "Principle of guilt and principle of proportionality of punishment", Article 79 "Principle of certainty", and others).

To not "overload" the reader with the same type of specific material relating to different countries, the authors will further provide a classification of land law principles, based on an analysis of the legislation of the Russian Federation. As necessary, the regulations of other post-Soviet states also will be involved.

From the point of view of dividing the law principles into general legal, intersectoral, and sectoral, principles of the land law of the Russian Federation can be classified as follows:

1. General legal principles:

– the principle of legality [Article 15 of the Constitution of the Russian Federation, 1993];
– the principle of the guaranteed protection of human and civil rights and freedoms [Articles 17, 18, and Part 1, Article 45 of the Constitution of the Russian Federation, 1993];
– the principle of equality before the law and the court [Part 1, Article 19 of the Constitution of the Russian Federation, 1993];
– the principle of respect for the honor and dignity of the individual [Article 21 of the Constitution of the Russian Federation, 1993];
– the principle of inviolability of private life [Part 1 of Article 23, Part 1 of Article 24 of the Constitution of the Russian Federation, 1993];
– the principle of secrecy of correspondence, telephone and other conversations, postal, telegraph

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and other communications [Part 2, Article 23 of the Constitution of the Russian Federation, 1993];
- the principle of inviolability of the home [Article 25 of the Constitution of the Russian Federation, 1993];
- the principle of protection of rights and freedoms by all means not prohibited by law [Part 2, Article 45 of the Constitution of the Russian Federation, 1993];
- the principle of guaranteed judicial protection of rights and freedoms [Article 46 of the Constitution of the Russian Federation, 1993];
- the principle of guaranteeing the right to qualified legal assistance [Article 48 of the Constitution of the Russian Federation, 1993].

2. Intersectoral principles. The specificity of regulation of land legal relations determined the originality of the land law principles. For this reason, no single intersectoral principle of land law can be named. Note that A.Ya. Ryzhenkov calls most of the principles enshrined in Article 1 of the Land Code of the Russian Federation intersectoral [Ryzhenkov, 2017]. The authors cannot agree with this approach and believe that all the land law principles are either general legal or narrowly sectoral in nature.

3. Sectoral principles. This group includes the eleven previously mentioned principles enshrined in Article 1 of the Land Code of the Russian Federation. It should be reminded that this list is open and can be expanded by the principles of land law enshrined in other normative legal acts.

The authors classify the principles of the land law of the Russian Federation, based on the source of the law principles:

1. Constitutional land law principles not duplicated in the Land Code of the Russian Federation:
- general legal principles mentioned in the previous classification (the principle of legality, the principle of guaranteeing the protection of human and civil rights and freedoms, and others);
- the principle of state protection of land and other natural resources as the basis of life and activity of the peoples living in the corresponding territory [Part 1 of Article 9 of the Constitution of the Russian Federation, 1993];
- land and other natural resources may be in private, state, municipal, and other forms of ownership [Part 2 of Article 9 of the Russian Federation's Constitution]. In Russia, in reality, there is only a private, state, and municipal form of ownership. No "other forms of ownership", although they are mentioned in the Russian Federation's Constitution, have existed. Article 36 of the Constitution of the Russian Federation specifies the right of private ownership of land. It is specified that citizens and their associations may have the corresponding right, and "possession, use, and disposal of land and other natural resources shall be carried out freely by their owners if it does not cause damage to the environment and does not violate the rights and legitimate interests of other persons".

Also, Part 3 of Article 35 of the Russian Federation's Constitution contains a norm that concerns property in general but extends its effect to land ownership. At the same time, it is guaranteed that "no one can be deprived of their property except by a court decision", and "forced alienation of property for state needs can be made only on the condition of preliminary and equivalent compensation". Such guarantees are a common global practice, but their implementation remains theoretical and practical in many states [Źróbek, 2010].

The principle of state protection of land and other natural resources and the principle of recognition of various forms of land ownership are, although constitutional, specific sectoral land law principles.

Other post-Soviet countries also have specific constitutional land law principles. As a rule, they also relate to the right of land ownership, state protection, and rational use of land resources.

2. Constitutional land law principles, duplicated in the Land Code of the Russian Federation. Unlike most other Russian law branches [Demichev & Iliukhina, 2019a], Russian land law does not have constitutional principles of law duplicated in the sectoral legislation.

3. Sectoral land law principles enshrined in the Land Code of the Russian Federation. As noted earlier, the primary land law principles are listed in Part 1 of Article 1 of the Land Code of the Russian Federation. They have already been named.

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CONCLUSIONS

After analyzing the Constitutions and sectoral codes regulating land relations in the post-Soviet states, the authors came to the following conclusions:

1. The land law principles of the post-Soviet space states are the initial, basic normative ideas that underlie the legal regulation of land relations. Under their normative nature, these ideas are normative prescriptions imperative and binding on all law subjects.

2. In such post-Soviet states as Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan, and Ukraine, the primary land law principles are enshrined in Constitutions and Land Codes. Simultaneously, in the legislation of any state, there is no exhaustive list of land law principles. A certain minimum number of principles and other ideas that do not contradict the principles of land law enshrined in the Constitution and the Land Code may be enshrined in other normative acts.

3. In seven of the eight states studied, of the various ways of enshrining the law principles in the text of a normative act, the legislator chose such a way as enshrining the principles in a separate article of the Land Code. Only in the Land Code of the Republic of Armenia there is no separate article directly devoted to the statement of the land law principles, but the law principles are enshrined there as well.

4. The number of land law principles enshrined in the Land Codes of the post-Soviet states ranges from five in the Republic of Armenia to twelve in the Kyrgyz Republic. At the same time, all Land Codes simply list the principles. The exception is the Land Code of the Russian Federation, in which the land law principles are not only listed but also their content is disclosed.

5. The application of various classifications to the land law principles allowed identifying the latter's specific features. Using the classification, within which the principles of law are divided into general legal, intersectoral, and sectoral principles, the authors concluded that the regulation of land legal relations was based only on general legal and sectoral principles of land law. Intersectoral principles characteristic of land law have not been found in any laws of the post-Soviet states.

6. When applying classification to the land law principles (using the example of the Russian Federation), the criterion of which is the source of the law principles, it turned out that there were constitutional land law principles not duplicated in the Land Code and sectoral land law principles enshrined in the Land Code. However, the constitutional land law principles, duplicated in the Land Code, were not found. Among the constitutional land law principles, the majority are general legal principles characteristic of all law branches, and only two constitutional principles directly relate to land legal relations.

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