

Public Restrictions on Transfer of Agricultural Lands in Turkey

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SUMMARY

Heritage policies accepting the concept of equal sharing was implemented in Turkey for many years. This policies has led to the fragmentation of agricultural land over time and led to higher costs and decrease productivity in agricultural enterprises. Therefore, Soil Protection and Land Use Law entered into force in order to prevent fragmentation of agricultural lands. According to the law; division, sale and transfer of the agricultural lands are restricted brought various conditions. These conditions affecting ownership rights are considered as "public restriction". The restrictions arising from the law are not directly represented on the land registry. Because of this feature, it can also be called as "hidden restrictions". As a consequence of the increasing importance of agricultural land in the world over the next century, the restrictions on the acquisition and use of the ownership rights in agricultural lands are inevitable. In Turkey, the transferring of ownership in agricultural lands is restricted within the framework of these policies. The general framework of these policies is as follows: Minimum parcel sizes are defined. The concept of economic integrity assessment has been introduced for agricultural lands in fragmented structures. Thus, the agricultural lands that forms the economic integrity has been tried to be preserved as a whole. With another innovation, transferring of agricultural lands via inheritance has been turned into an inheritance obligation. In this respect, the competent heirs are given priority. However, all these restrictions can obtain in social consequences. As a result of these policies, informal trades may increase in the land market. In addition, ownership rights of other heirs except for the competent heir may suffer in the course of time. In this declaration, policies applied to the transferring of agricultural lands in Turkey are explained. In addition, solution proposals have been developed.