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OWNERSHIP RIGHT ON AGRICULTURAL LAND

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Ownership right on agricultural land has certain specifics due to the fact that agricultural land is scarce and hardly renewable natural resource. Limited areas suitable for agricultural production have led to adjustment of scope and content of ownership right aiming to preserve arable land. Ownership of agricultural land owners is, in some aspects, more limited in relation to the ownership rights of the owners of other immovable properties. Those limitations can be positive and negative and they can be both in private and in public interest. Prohibition of use of agricultural land for non-agricultural purposes such as construction of houses/buildings is one of the public measures that is prescribed by the law and implemented in spatial plans in order to preserve agricultural land. In some European countries limitations are imposed regarding the sale of agricultural land as special approvals are required prior the purchase. One of the positive measures that is prescribed in few countries is owners obligation to cultivate the land (in order to make the best use of the limited surface of arable land). Various limitations are also applied in regard to servitudes and neighboring rights. As all of these measures are imposing restrictions on ownership right it is highly important to find proper balance between absoluteness of ownership and interest of the community.

Keywords: ownership right, agricultural land, land use