

## Methodological Approach for Developing Legal Frameworks to Protect Land Relations in Homeland Security



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### ABSTRACT

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*land relations, homeland security, legal framework, legal aspects, law, methodological approach*

The main purpose of the article is the formation of a methodological approach that ensures the creation of such a legal framework that would provide protection in the process of land relations to ensure homeland security. Within the scope of the study, the main model and its characteristics were presented. To do this, the scientific task will be to find a new methodological approach to present the main stages of creating a legal framework for the protection of land relations in the system to ensure homeland security. The object of the study is safety and security in land relations. The research methodology involves the application of a methodical approach to modeling the formation of a legal framework for the legal protection of land relations in the homeland security system. The key methods were PEST and IDEF. As a result of the study, a methodological approach was proposed to model the stages of formation of the legal basis for ensuring the legal protection of land relations in the system of homeland security. The scientific novelty of the results obtained lies in the presented methodological approach, which contributed to the increase in the effectiveness of the formation of the legal basis for ensuring the legal protection of land relations in the system of homeland security. The ways of solving the problem presented in the model can be used in the framework of legal activities. The study is limited by taking into account legal and organizational aspects, but not environmental ones.

## 1. INTRODUCTION

Historically, land relations and their security are especially relevant due to the specifics of the territorial location of any state on the most fertile lands. Protection of the producer, investor, preservation of forest, water, and land share funds are important tasks of the law enforcement system, because the abuse and commission of offenses in these areas cause irreparable damage to nature, as well as material damage on an especially large scale to the state, create a negative role and discredit the homeland security system on the international level. Responsibility for violations in the field of land relations is an integral part of the legal support for the rational use and protection of land, aimed at stimulating compliance with land legal norms, restoring violated rights of subjects, as well as preventing land offenses in the homeland security system.

It is also important that when committing offenses in the field of land relations, the subjects of these offenses are usually educated persons, specialists in the field of law and in the field of land legislation, and, accordingly, a correctly and clearly written composition of a criminal offense will allow judges, investigators and other employees of law enforcement authorities to accurately qualify the actions of persons when committing offenses in this area.

Currently, land resources are becoming the most important foundation of homeland security. Thanks to the

denationalization and privatization of the land fund, there have been institutional changes in land and property relations and forms of management in the sectors of the homeland economy. The activity of public administration bodies in many countries is carried out under the condition of the predominant uncertainty of the subjects of economic activity of the private sector, due to the volatility of the market environment. Because of this, the attraction of natural, in particular land, resources in the field of homeland security requires an exhaustive description of the system for managing them, changing one designated purpose to another and even differentiation of functional use within the same category of land will certainly entail an institutional transformation of land relations, which has a great impact on safety and security in general.

Modern land management, focused on the conditions and requirements of the institution of land ownership, along with the need for resource support for homeland security sectors, forms an urgent scientific task of theoretical disclosure of new management trends based on spatial-territorial and sectoral-economic indicators. At the same time, the institutional framework must justify the use and security of land not only as a material but also as a public good. Consequently, there is a need to find new ways to form a legal framework to ensure the protection of land relations in the homeland security system.

Land relations as an object of safety and security should be understood as a set of relations in the sphere of possession, use, disposal, protection, rational use, and reproduction of lands within the territory, infringement of which causes significant property (economic) damage to the state, people and damage to the environment or there is a danger of causing it. The social conditionality of the legal protection of land relations is determined by historical, criminological, legal, international, and socio-psychological factors.

Within the framework of our research, a number of scientific literature [1, 2] do not consider in sufficient detail the legal basis of the protection of land relations within the framework of security. The key problem today, in our opinion, is the fact that there is no universal methodical approach to providing such protection and security [3].

The main purpose of the article is the formation of a methodological approach that ensures the creation of such a legal framework that would protect the process of land relations to ensure homeland security. The object of the study is safety and security in land relations.

The study is structured in such a way as to explain its results in as much detail as possible. For this, a review of the literature, the basis of the methodological approach, obtaining results, their discussion, and conclusions were presented.

The research questions in the article are as follows: to analyze the main object and identify key problems; form a list of improvement measures and present it in a graphical language in the form of a new methodological approach.

## 2. LITERATURE REVIEW

In the literature [4, 5], it is repeatedly noted that the development of market relations in the agrarian sector of the economy, the introduction of private ownership of land, the formation of a real master-owner of land and market-type economic structures necessitate the substantiation of qualitatively new methodological approaches to the organization of land relations regulation, among which the central place must take security and legal regulation. After all, the presence of a sufficient amount of financial resources in the field of land relations creates legal conditions for rational land use, the development of the latest forms of management, the preservation of land ownership rights, and the provision of national interests, which actualizes the issue of a comprehensive scientific study of the issues of security regulation of land relations.

The information provided in the literature [6, 7] indicates that the process of land sovereignty formed the basis for the establishment of key transactions of land relations: ownership, use, and disposition. However, the definitions of land relations available in science do not attach importance to the principle of land sovereignty, which, in turn, leads to the formation of prerequisites for a vague understanding of land relations, and therefore to the appearance of shadow transactions with it.

Research indicates in the literature [8, 9] that land ownership relations are implemented in practice through state, collective, and private forms of ownership. However, it should be noted that the main owner of the land is the people of a certain state under the legislation. From the point of view of the effectiveness of one or another form of land ownership, according to many researchers, the private form of ownership is the most effective, because it is under such conditions that the motivational attitudes of labor and entrepreneurial activity

are implemented. Therefore, land ownership relations are the basis for the formation of land relations, the essence of which is the use of land as the main production factor for farming and entrepreneurial activities.

Undoubtedly, in modern conditions, the greatest public and business interest is the relationship of buying and selling land plots, because, on the one hand, the right of ownership allows using land plots for one's own needs without limitation, and on the other hand, the right of private ownership of land and the possibility of selling it to foreigners subjects is tangential to national interests in the field of both territorial integrity and homeland security [10, 11].

Controversy in approaches to the formation of the land market indicates the specificity of land relations, which requires consideration of the main features of the land as an object of relations. As noted in the literature, firstly, the land is not a product of human labor, there are no opportunities for its artificial creation, and the land plot itself has the property of absolute immobility and limited space. Secondly, due to space limitations, the supply of land plots in the real estate market will be limited and inelastic. Thirdly, the formation of the land value cannot be considered a market mechanism, because, taking into account the fact that the land plot is part of the sovereign territory and national wealth, at the same time its value is formed under the direct or indirect influence of the state [12, 13].

It is well described in the literature that land relations are a complex socio-economic category that combines elements of legal, economic, legal, social, and environmental relations, which, given the importance of land resources for the existence of states and their citizens, requires the formation of an effective financial regulatory mechanism aimed at creating a foundation for effective land use, ensuring national security and national interests in this area [14].

To summarize, it should be noted that in the scientific and practical literature presented by us for review, there are a number of things in common and it is connected precisely with the elements of providing legal protection in the framework of land relations and land management.

The key gaps that were found are that virtually all proposed improvements or certain recommended actions are presented only as lists without a proper methodological approach.

The key theories and concepts presented in the scientific and practical literature are to identify problems related to land relations.

Partially agreeing with the information presented in the scientific and practical literature, it should be noted that in our case, the main scientific task is different. So, according to the goal, the scientific task will be to find a new methodological approach to present the main stages of creating a legal framework for the protection of land relations in the system to ensure homeland security.

## 3. METHODOLOGY

The research methodology consists of three main methods. The first method is designed to assess the state of the object of study - the country of Jordan, which was chosen to improve the legal conditions for ensuring the protection of land relations. To do this, we use the PEST analysis method. The analysis of the main factors of the external macro environment is called PEST-analysis. PEST analysis (sometimes referred to as STEP) is a tool designed to identify political (P - political),

economic (E - economic), social (S - social), and technological (T - technological) aspects of the external environment that affect land relations. This analysis aims to identify those environmental factors that most influence the protection of land relations, as well as to provide for the dynamics of the influence of these factors (favorable or unfavorable).

The second method is intended to better represent the purpose of the simulation. To do this, use the "Black Box" method. A "black box" is a system in which the input and output values are known, but the internal structure and processes occurring inside are not known. You can only study the system by its inputs and outputs, but such a study does not allow you to get a complete picture of the internal structure of the system, since different systems can have the same behavior. That is why it is better to study internal processes through the IDEF0 modeling method.

In general, according to this method, the main task (the purpose of modeling) is determined. It is arbitrarily denoted mathematically. The purpose is a concise statement of the reason for creating the model. The goal should answer the questions: why should this process be modeled? What should the model show? What can the reader get?

The principle of describing the process in the IDEF0 notation is as follows: the main task is located in the center, and the inputs, resources, and technologies for its implementation are located on opposite sides of it. Further, the achievement of the goal is divided into processes and resources are similarly prescribed for each of them.

The IDEF0 model consists of a set of hierarchically linked diagrams. In the diagram, the blocks are connected by arcs: the initial arcs of some blocks can be inputs (control, mechanism) of others. Arcs with one open end have a source or destination outside the diagram.

When implementing complex enterprise survey projects, the development of models in the IDEF0 standard allows you to clearly and effectively display the entire mechanism of protecting land relations in the required section. However, the most important thing is the possibility of collective work that IDEF0 provides.

The PEST method allows you to better understand and analyze the environment to which the methodical approach will be applied. IDEF is the key graphical modeling language and the foundation of the approach. The black box acts as an auxiliary method for visualizing ideas.

The collection of data and their sources were obtained through the provision of structural agencies dealing with land administration in Jordan, as well as through their survey of the situation on the ground. Modeling was carried out within the established norms and rules of the chosen method.

IDEF and PEST methods have already been encountered in the literature earlier [15-17] and have shown good results in other scientific fields, but within our framework, such an application is new.

Jordan is a country with a strong economy and democracy in terms of land relations. The choice of Jordan was based on living and working in the field of study, the authors of the article.

#### 4. RESEARCH RESULTS

To begin with, it is necessary to present the results of the PEST analysis of the provinces of Jordan and identify problem areas that will be taken into account in the modeling (Table 1).

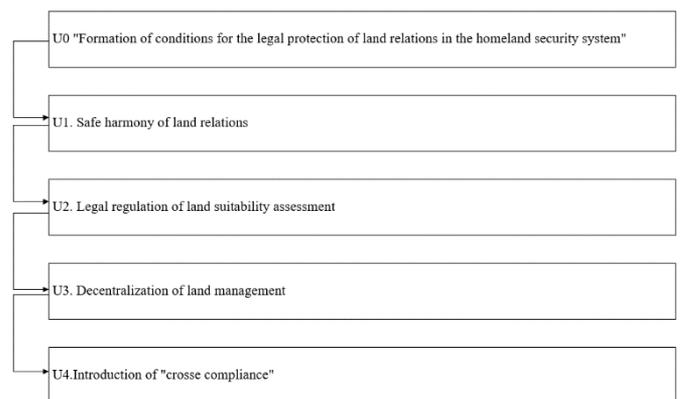
As a result of the analysis, a certain number of factors were identified for each of the PEST categories, but it is not advisable to cover everything at once within the framework of one article. We paid attention to political, legal, and economic factors.

**Table 1.** The results of the PEST analysis (the result of the authors' work)

The Results			
<b>P</b>	Politicization of society	The system of state regulation of land management	Political influence on land privatization
<b>E</b>	Complicated tax regime	Low financial security of land relations	Decreased investment attractiveness of land
<b>S</b>	Low staff turnover	Reducing the number of employees	Low media attention to the problems of land relations
<b>T</b>	Dependence on modern technologies	Digitalization of legal relations	Lack of effective protection technologies

PEST analysis made it possible to determine which blocks will be involved in the formation of the model. Thus, PEST analysis serves as an initial analysis, a prerequisite for the formation of a model.

According to the methodical approach, the main goal of modeling should be established. It is mathematically denoted as U0 (0- because this is the main initial goal, then each process of achieving it will affect 1,2,3,4, respectively). U0 is in our case, "Formation of conditions for the legal protection of land relations in the homeland security system". It is necessary to present the processes of achieving U0 graphically for clarity (Figure 1).



**Figure 1.** Processes that make up the system for achieving the modeling goal (U0) (the result of the authors' work)

The results of determining contextual elements using the "Black Box" method are shown in Figure 2.

The group of elements marked as "E1" and "E2" represents the resource provision necessary to achieve the set goal U0. The group of elements "S" represents the operating systems affecting the control, directives, and support of the implementation of the processes of achieving U0. The group of elements "M" is nothing but the mechanisms through which the presentation of how to perform all processes will take place.

R1 and R2 are to expect the result of reaching U0.

U0 "Formation of conditions for the legal protection of land relations in the homeland security system" provides for the following processes:

U1. Safe harmony of land relations. A harmonious combination of environmental, economic, and social spheres of land relations in the process of agricultural development requires the active use of financial regulation tools because the implementation of any measures in a particular area is impossible without a financial resource, however, we note that such a resource should be provided in accordance with certain criteria.

U2. Legal regulation of land suitability assessment. Land suitability is an identifier for the ecological and economic assessment of agricultural land use, which solves the problem of the ecological and economic efficiency of agricultural production, taking into account the regional specifics of growing crops. The task is to form a structure of sown areas that ensures the optimal profitability of the agricultural sector with the maximum suitability of the natural and climatic conditions of the place of cultivation and soil nutrients for the development of productive forces. In particular, the

optimization criterion is the maximum profit obtained from the cultivation of the main commercial-zoned crops located on soils suitable for them with different resource support for production.

U3. Decentralization of land management. The priority of national security is the rational use of resources, otherwise, stability in society is violated and a threat to the national security of the state is formed. Increasing the efficiency of the use of renewable and non-renewable resources is entrusted to state authorities and local self-government. The effectiveness of the use of the resource potential available in the territorial community determines its ability, due to the full involvement in the economic circulation of opportunities, the ability to adapt to changing market conditions by eliminating imbalances, and introducing territorial marketing. A successful solution to the problem of optimal management of the own development of territorial communities with the decentralization of power is possible with the adoption of effective management decisions, and the disposal of the main resource - land - both within the boundaries of settlements and beyond them.

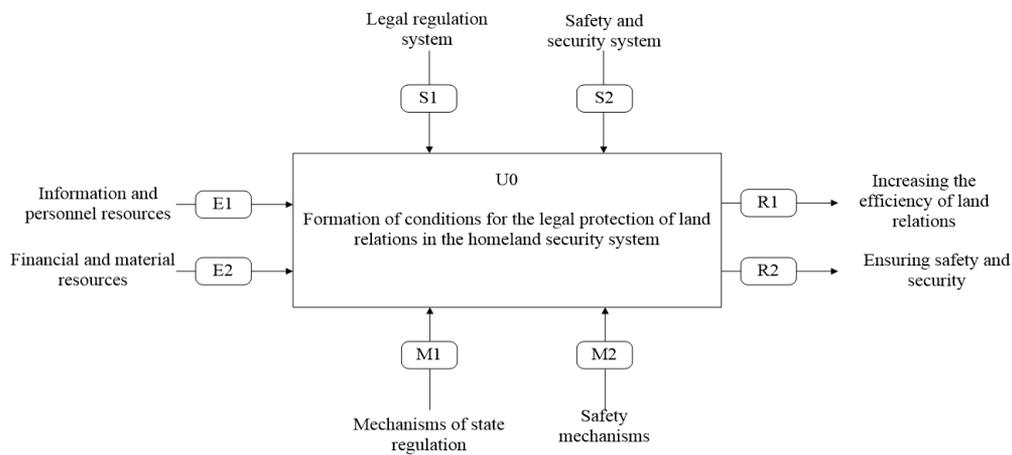


Figure 2. The results of determining contextual elements using the "Black Box" (the result of the authors' work)

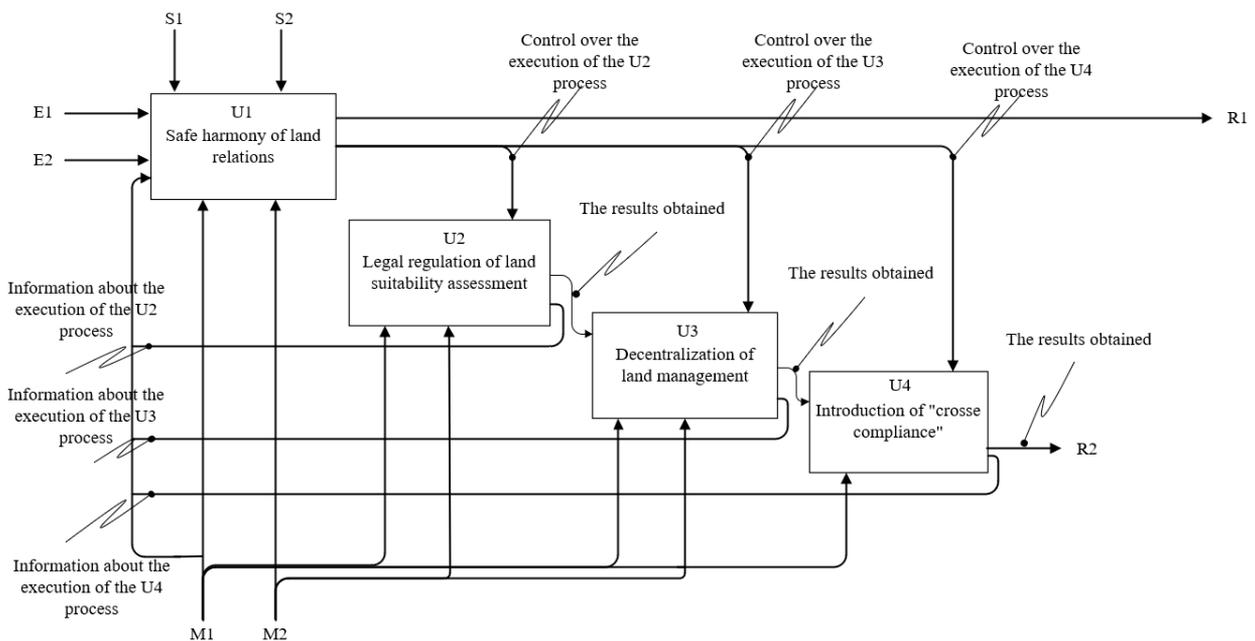


Figure 3. The current result of applying the methodical approach for U0 "Formation of conditions for the legal protection of land relations in the homeland security system" (the result of the authors' work)

U4. Introduction of "crosse compliance". The introduction of "crosse compliance" into the practice of legal regulation of land relations is important from the point of view of streamlining financial support for the development of agriculture and establishing discipline in the field of land relations through the introduction of liability criteria for non-compliance with requirements within the framework of a particular project or for admitting facts of mismanagement of land. Financial sanctions for violation of crop rotations, soil degradation, and mismanagement of land are also elements of the legal regulation of land relations, therefore, they should receive due attention, both in regulatory legal acts and in the practice of the activities of special supervisory bodies for the development of land relations.

The current result of applying the methodical approach for U0 is shown in Figure 3.

Thus, for Jordan, where the authors of the article live, the implementation of the proposed processes of the methodical modeling approach should take place in several stages, presented in Table 2.

**Table 2.** Stages of execution of processes of achievement of U0 (the result of the authors' work)

Stages of U0				
U1		Alignment with the main goal	Checking the readiness of the next process	Execution of the process according to the conditions and norms
U2	Preparation and collection of information	Evaluation of the performance of the previous process	Determination of the level of the final result	
U3				
U4				

U0 represents one of the key steps to help achieve the overall goal of improving the security and protection of Jordan's land resources. Therefore, with successful compliance with the stages of the U0 "Formation of conditions for the legal protection of land relations in the homeland security system" process, it becomes possible to improve the safety and security of Jordan's land resources.

## 5. DISCUSSIONS

This section should discuss the unique results of our study. In this context, the direction of the discussion will be in the form of a comparison of novelty with similar studies. For example, scientists in their research results represent that in the process of managing land resources of territorial communities, based on a reliable land information system, the actual state of land use should be identified, a comparative analysis of the effectiveness of various options for their use should be carried out, based on the proposed option legally allowed is physically possible and financially justified. As a result, proposals are being developed for decision-making by state authorities or local governments to ensure national security [18, 19].

Other scientists [20, 21] have formed a theoretical and conceptual model of the legal regulation of land relations, taking into account the strategy for the development of land relations in general and the construction of the infrastructure of the agricultural land market, the formation of a soil

protection system, the creation of favorable conditions for the development of rural settlements, the achievement of the goals of sustainable development of the agrarian sector of the economy, ensuring a high level of homeland security of the state.

Another group of scientists [22, 23] determined the areas of interaction between local governments and state authorities in land management and the process of regulating land relations at the level of territorial communities, which should be provided for both in legal documents and in local government development programs. This will help optimize the interaction between local governments and state authorities to address the problems of land use safety.

Scientists in the results [24-26] of the study note that institutional conditions form and manage land relations and affect the effectiveness of management decisions. At a certain stage in the development of society, institutions arise that further influence its economic development, changing the economic use of land and the regulation of land relations, focusing on the problem of land management. This problem can be successfully solved by studying the historical and economic foundations of its occurrence.

If we discuss the results of our study, we should note their elements of novelty. The scientific novelty of the results obtained lies in the presented methodological approach, which contributed to the increase in the effectiveness of the formation of the legal basis for ensuring the legal protection of land relations in the system of homeland security.

Our study tries to expand the boundaries of other similar studies. For example, in the writings of most scientists, it is not always clear in what sequence the tasks should be solved, etc.

One of the key contributions that our research results bring is that we have not only presented the key ways to ensure protection and security within land relations but also reflected them in a new form of graphical modeling.

Further studies should expand the scope of the analysis and cover not only legal but also socio-economic aspects in the formation of the model.

## 6. CONCLUSIONS

Summing up, it should be noted that the key element of ensuring legal security, from which the achievement of the goal begins and contributes to making important decisions, is consistent with the approaches to achieving the mission, implementation of functions, and goals of homeland security tasks. Legal aspects are an integral part of the organization and implementation of any activity. In the process of ensuring the homeland security of the development of a particular area, a rational choice of means is carried out, with the help of which the intended goal can be achieved at the lowest cost and at the best possible time. The land administration system at the level of a particular region is no exception. Particularly relevant is the issue of the formation of such legal conditions that will protect land relations.

The homeland security of the state depends on the effective development and functioning of all sectors of the national economy, which have their own characteristics, circulation, and rate of capital accumulation, product prices, and price parity between them, the state of the means of production and the level of depreciation charges. The actual problem remained, how to form the legal framework for ensuring the protection of land relations in the context of the development of the

homeland security system.

Legal security is one of the keys to the security of the homeland, which also includes social, economic, and military. On the same level with them, legal security tries to legally achieve protection within its own homeland.

As a result, it should be noted that we presented a methodical approach to the formation of conditions for the legal protection of land relations in the homeland security system. A detailed explanation of the stages of its implementation is given.

The presented results of the study can be used by top management of land resources, law firms, and regional politicians.

As a result of the study, a methodological approach was proposed to model the stages of formation of the legal basis for ensuring the legal protection of land relations in the system of homeland security. The study is limited by taking into account legal and organizational aspects, but not environmental ones. Prospects for further research will be the search for new approaches to ensuring ecological and public safety and security of land relations and resources.

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