

CONSIDERATIONS REGARDING THE HOLDING AND USE OF AGRICULTURAL LAND IN THE SOUTHWEST AREA OF BIHOR COUNTY

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Abstract

This issue is interesting to be approached from a legal point of view of the situation of restitutions, due to the fact that in the plain area had operated forced co-operation, respectively making available the agricultural land to the state, as well as due to high agricultural performance specific to these areas.

Three communes located in the southwest of Bihor County were taken for analysis: Sinnicolau Roman, Gepiu and Ciumeghiu.

Key words: Bihor, land, agricultural, property, Sinnicolau Roman, Gepiu, Ciumeghiu

INTRODUCTION

This paper presents an overview of the holding and use of agricultural land located in the southwest of Bihor County, respectively the geographical area of the communes: Sinnicolau Român, Gepiu and Ciumeghiu.

In this study I will start from the notion of property - definition - and to the regulations contained in various normative acts. After the successive agrarian reforms, the owner of agricultural land has more and more restricted rights regarding the sale of agricultural land located outside the built-up area, the culminating point being reached in 2020, with the entry into force of *Law no. 175/2020 for the amendment and completion of Law no. 17/2014 regarding some regulation measures of the sale-purchase of agricultural lands located outside the built-up area and of amendment of Law no. 268/2001 on the privatization of companies that manage public and private land owned by the state for agricultural purposes and the establishment of the State Domains Agency, on October 13, 2020.*

MATERIAL AND METHOD

The study presents a series of general information that were taken from the specialized literature, according to the mentioned bibliography, and

those that refer to exact data come from the actual collection of data in the field and from the records of the National Institute of Statistics (INS) by accessing *INSSE site, Wikipedia and lege5.ro*. Also, I used information sources by accessing online publications with an agricultural profile.

RESULTS AND DISCUSSION

The explanatory dictionary of the Romanian language shows us what the term „*property*” means, namely, full ownership of a good. (Ioan Oprea, Carmen Gabriela Pamfil, Rodica Radu, Victoria Zastroiu, 2017). In order to better understand the meaning of this word, a foray into the distant past is necessary. „*Proprietas*” or „*proprietatis*” means „*proper*” in Latin, meaning the freedom to own a good. Regarding property, during the communist regime, private property was forced into a form of collective ownership in the form of collectivization.

In 1864, the Romanian Civil Code defined in art. 480 property as follows: „*Property is the right that one has to enjoy and dispose of a thing exclusively and absolutely, but within the limits determined by law.*”

The Universal Declaration of Human Rights of 10 December 1948 issued by the United Nations contains references to the right to property in art. 17:

„*1. Everyone has the right to own property both alone as well as in association with others.*

2. No one shall be arbitrarily deprived of his property. ”

Also, the Charter of Fundamental Rights of the European Union, issued in 2000 and made mandatory in 2009 (Article 6 of the Treaty on European Union) provides references to the right to property.

The European Convention on Human Rights contains references to the right to property even in Article 1.

At European level in the 2000s, was aimed the promotion of an European Governance, the main ideas being exposed in the White Paper. Transparency of decision-making in public administration provides citizens with the necessary elements for efficient management of resources (land, taxes, etc.) (Timofte, 2016).

The Romanian Constitution regulates the property at art. 136 para. 1.

Regarding the communes studied, the Sînnicolau Român commune was founded in 2003, due to the reorganization of Cefa commune, based on Law no. 102 of April 3, 2003 for the establishment of Sînnicolau Român commune, Bihor county, through the reorganization of Cefa

commune. The newly established commune consists of the villages: Sînnicolau Român, Berechiu and Roit. It borders the communes of Nojorid, Cefa, Gepiu, Girișu de Criș, Toboliu and at a distance of 800 meters from Hungary. It has an area of 75.09 km². (Wikipedia)



Fig..1 Map of Sînnicolau Român commune (according to Wikipedia)

According to the Monograph of Sînnicolau Român commune, during the period of „*Great Romania*” the villages that belonged to Sînnicolau Român commune were part of the territorial jurisdiction of the Cefa commune, but some of these villages remained in Hungary as a result of the Treaty of Trianon from June 4, 1920 (Gruia Fazecas, Marta Doru, Augustin Țărău, Feier Florica, 2017). As a result of the Vienna Dictate of 1940, it returns to the Hungarian administrative organization „*Horthyst*”, and after the World War II, in the period 1950-1968 the commune belongs to Salonta district. In 1968, when Nicolae Ceaușescu was in power, Romania was administratively organized based on *Law no. 2 of 1968 regarding the administrative organization of the territory of Romania*, still in force today. Thus, the Sînnicolau Român commune resumes its old status, but until 1986, when it was assigned to the Cefa Commune due to the systematization of the territories carried out based on *Law no. 58/1974 regarding the systematization of the territory and of rural and urban*

localities. Subsequently, in 2003, Sînnicolau Român Commune became an administrative-territorial unit with legal personality.

Gepiu commune was founded in 2003, due to the reorganization of Cefa commune, based on *Law no. 586 of December 22, 2003 for the establishment of Gepiu commune, Bihor county, through the reorganization of Cefa commune*. The newly established commune consists of the villages: Gepiu and Bicaci. It borders the communes of Cefa, Sînnicolau Român, Mădăras, Nojorid and Husasău de Tinca. It has an area of 38.21 km² (Wikipedia).



Fig..2 Map of Gepiu commune (according to Wikipedia)

Ciumeghiu commune was established by Law no. 2 of 1968 regarding the administrative organization of the Romanian territory and includes the villages: Ciumeghiu, Ghiorac and Boiu. It borders the communes of Batăr, Avram Iancu, the city of Salonta, Arad County and Hungary. It has an area of 110.28 km² (Wikipedia).



Fig..3 Map of Ciumeghiu commune (according to Wikipedia)

Table 1
Comparative table of agricultural areas, at the level of 2014 for the communes of Sînnicolau Român, Gepiu and Ciumeghiu (according to the National Institute of Statistics, 2020)

Commune	Total area (ha)	Agricultural area (ha)	Privat property agricultural area (ha)
Sînnicolau Român	7509	6900	6868
Gepiu	4112	3776	3776
Ciumeghiu	11028	9896	8261

Table 2
Comparative table of agricultural areas, at the level of 2020 for the communes Sînnicolau Român, Gepiu and Ciumeghiu

Commune	Total area (ha)	Agricultural area (ha)
Sînnicolau Român	7200	6430
Gepiu	4237	3898
Ciumeghiu	1009.4172	1008.2461

CONCLUSIONS

Of the three communes studied, two of them - Gepiu and Sînnicolau Român - were established in 2003, after the application of Law no. 18/1991 of the land fund. Such a situation raises a number of issues regarding the total area to be restituted, due to the fact that the establishment of territorial boundaries between localities and communes is based on a law issued in

1968, and land laws address the situation of holders starting with 1950, when the establishment of the former S.A.E. began (State Agricultural Enterprises).

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