

CHALLENGES OF COMPLETING THE LAND REFORM: THE CASE OF KULDIGA MUNICIPALITY

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Abstract. After the restoration of Latvia's independence in 1990, the goal of the land reform was to rearrange the legal, social and economic relations of land ownership and land use. In 1997 and 1998, laws on the completion of land reform were adopted in Latvia, which determined the procedure and conditions for the completion of this process. An essential condition for the completion of land reform is land surveying, issuance of land ownership documents to owners and registration of land properties in the cadastre. Estonian land researchers also obtained similar results during the analysis of the land reform in Estonia register, because only ownership rights registered in the land register give the opportunity to fully handle real estate. The demand for land is growing in various sectors of the national economy, and the full use of land plays a vital role in the development of the country. A quarter of a century has passed since the adoption of the previously mentioned laws, but not all land in Latvia has been registered as a property yet. The audit of the State Audit Office found that in 2022, more than 1 million hectares of land were not recorded in the land register in Latvia. The aim of the research is to investigate the challenges that have hindered the completion of the land reform, and Kuldiga municipality has been selected as the research object, in the territory of which there are almost 9 thousand hectares of land not registered in the land register. In order to achieve the aim, the composition and ownership of land units not registered in the land register were evaluated, as well as the reasons for the completion of the land reform were analysed. The main reasons were found to be: insufficient funding for land cadastral surveying; legal obstacles caused by the long process of reform, due to the fact that many land claimants have died and their inheritors cannot be found; as well as the unfavourable conditions for renting and buying out lands set by the legislation.

Key words: land reform, land unit, ownership, land register, cadastral surveying.

JEL code: Q15

Introduction

In 1990, after the restoration of the independence of the Republic of Latvia, the aim of the land reform was to reorganize the legal, social and economic relations of land ownership and land use (LR Saeima, 1990, 1991). This aim was achieved by restoring the property rights of land owners whose land was nationalized during the Soviet era, or to their inheritors, as well as by giving every Latvian resident the opportunity to own land for a fee. The Law "On Completion of Land Reform in Rural Areas" (1997) and the Law "On Completion of Land Reform in Cities" (1998) determined the procedures and conditions for completing land reform. An essential condition on the way to the boundaries in nature and issuing the land ownership or land use document to the land owner or land user (LR Saeima, 1991, 1998). An important condition for strengthening land ownership rights is the registration of land ownership in the land register. Only the property rights registered in the land register give the opportunity to fully handle real estate and get all the possible benefits from it (Grutups, Krastins, 2002). The demand for land from various sectors of the national economy continues to grow, and the full use of land is essential for the development of Latvia as a whole. In July 2023 alone, 2928 transactions with real estate were registered for the total amount of 121.59 million EUR (Lursoft, 2023). This indicates that it is very important to complete the land reform as soon as possible by first carrying out the cadastral survey of the land and recording it in the land register. In 1993, when the Land Registry Law of 1937 was renewed, the legal registration of land properties was started in Latvia. However, more than 30 years have passed and it is still not finished. The audit of the State Audit Office has found that in 2022, more than 1 million hectares of land were not recorded in the land register in the entire territory of Latvia (Valsts kontrolle, 2022).

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The **aim** of the study is to investigate challenges that have hindered the completion of the land reform in Kuldīga municipality.

Kuldīga municipality, where the in the land register unregistered area is almost 9 thousand hectares, was chosen as the research object. The municipality consists of 20 territorial units: the cities of Kuldīga and Skrunda and 18 rural territories. Kuldīga municipality is located in the central part of Western Latvia, its area is 2505 km², the number of inhabitants according to the data of the Central Statistical Bureau at the beginning of 2023 was 27363, of which 43.5% live in cities and 56.5% in rural areas. The population density is relatively low – 11 people per 1 km². The largest territory of the region is occupied by forests (56% of the total area of the region) and agricultural land (32%). The most important sectors of the national economy are forestry, woodworking, agriculture, production and processing of agricultural products. There are many specially protected areas and natural monuments in the territory of Kuldīga municipality, which contribute to the development of the tourism industry in the municipality.

In accordance with the law "On the completion of land reform in rural areas" and the law "On the completion of land reform in cities", the Cabinet of Ministers issued orders on the completion of land reform in each municipality rural territory and municipality town. At the time of the issuance of the order, until the administrative reform that took place in 2020, the current territory of Kuldīga municipality consisted of three separate municipal territories - Kuldīga, Skrunda and Alsunga municipalities, therefore, in the period from September 2015 to September 2016, five orders of the Cabinet of Ministers were issued on the completion of land reform both in cities and in the countryside in the territory of the current Kuldīga municipality. The annex to each order also contained information on the proportion of land units not recorded in the land register and its distribution by status. By evaluating these documents, conclusions can be drawn about the obstacles that could have hindered the successful completion of land reform.

In order to achieve the aim of the study, the following tasks have been set:

- 1) to review the role of completing the land reform in the national economy and its conditions;
- 2) to evaluate the composition and dynamics of land units not registered in the land register of Kuldīga municipality;
- 3) to evaluate the progress of the land cadastral survey and the conditions hindering it;
- 4) to analyze the use of lands not registered in the land register organised by the municipality of Kuldīga.

The research also uses the data of the State Land Service and the government of Kuldīga municipality on the progress of land cadastral surveying and real estate registration in the land register. The research uses statistical data analysis method, mapping/cartographic method related to the used data, data visualization with ESRI geospatial tools.

Research results and discussion

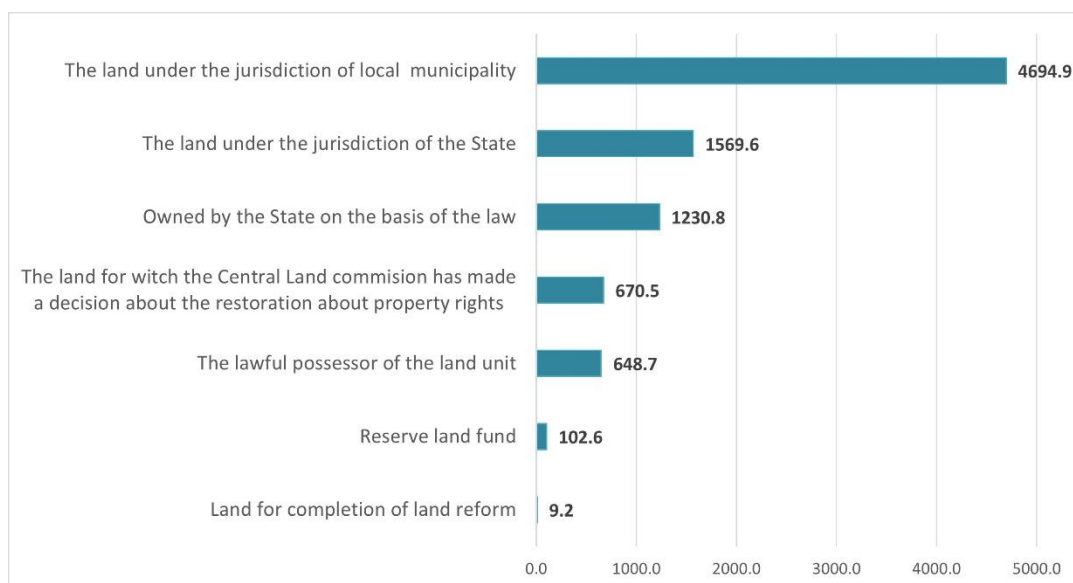
Land is an essential resource not only for the development of various sectors of the national economy, but also one of the cornerstones for the existence of the country. The land reform started in 1990 has left a significant impact on today's land policy in Latvia. As a result of the reform, when the land from the possession of a public person comes into private ownership, the development of various sectors of the national economy is significantly promoted (Putterman, 2009; Khasaev, et al., 2018). The reform has promoted the rational use of land as a resource, creating legal, social and economic relations of property. By creating a clearly understandable form of real estate and the institutions that maintain it, the former Soviet republics attracted the interest of investors who, after the initiation of land reform, again saw the

development potential for large investments in real estate (Swinnen et al., 2016). Continuous evaluation and comparison of these processes takes place between the Baltic States, analyzing its course and results (Parsova et al., 2020). The arrangement of the real estate institute for investment attraction is common not only in the former Soviet republics, but also in other parts of the world (Coulibaly et al., 2018). According to the Civil Law, obtaining all the benefits and at the same time the power over the property can be obtained only through ownership. Ownership is the most complete property right, which gives a person full rights of action and at the same time also responsibility for property (Grutups, Kalnins, 2002).

The land reform has been ongoing for several years, and in the course of its implementation, considerable and extensive work has been done on changes in land ownership relations. This has been recognized by several researchers who have analysed the course of land reform and its results in former Soviet republics (Csaki, Lerman, 1997; Khasaev et al., 2021). Comparing the progress of land reform in Latvia with the nearest neighbouring countries - Lithuania and Estonia, it can be concluded that in all these countries it has been delayed and has not been implemented according to the originally set deadlines (Parsova et al., 2020). The similar course of land reform in all three Baltic states can be explained by the identical political and socio-economic situation after the restoration of independence (Gaudesius, 2021). In Latvia, as well as in Lithuania and Estonia, the implementers of the land reform initially did not realize the complexity of the reform and the amount of resources needed for its implementation. According to Estonian researchers Jurgenson and Maasikamae, (2009), the completion of the land reform faces challenges and the remaining part of the land reform seems difficult. Therefore, research is needed to better understand the current situation and analyse obstacles that influence reform completion.

1. Land units not registered in the land register and their dynamics in Kuldiga municipality

In order to fully complete the land reform, it is necessary to register all land units in the land register. Data about land units of Kuldiga municipality and Cadastre Information System indicates that 4115 land units with an area of 8926.3 ha were not registered in the land register in the entire territory of Kuldiga municipality (26 367 land units in total). Although it is only 3.6% of the entire territory of the municipality, it is still a significant land resource, the potential of which is not fully used.



Source: compiled by the authors based on the data of the State Land Service

Fig. 1. Distribution of areas of land units not registered in the land register by status in Kuldiga municipality, 2023

As it can be seen in Figure 1, the largest part of the area of unregistered land units in the land register of Kuldīga municipality is the land owned by the municipality - 4694.9 ha or 52.6% and the land used by state administration institutions - 2800.4 ha (31.4%). After the evaluation and updating of the status, the land of the reserve land fund of 102.6 ha and the land for the completion of the land reform in the area of 9.2 ha will be used by the municipal and state administrative institutions. It can be concluded from this that municipalities and state institutions are responsible for the majority of land units not registered in the land register.

In order to evaluate what has hindered the completion of the land reform, it is necessary to examine the historical trajectory of reform, how the completion of the land reform proceeded in the separate territorial units of Kuldīga municipality. In addition, the fact that an administrative reform took place in Latvia in 2020 should also be considered, as a result of which Kuldīga municipality increased on the basis of the territories of neighbouring municipalities.

Table 1

Information about land areas not registered in the land register in Kuldīga municipality at the time of adoption of the Cabinet of Ministers order on the completion of land reform

Indicators	Kuldīga town	Skrunda town	Rural areas until 2021*		
			Kuldīga municipality	Skrunda municipality	Alsunga municipality
Date of adoption of the order of the Cabinet of Ministers	15.03.2016	09.09.2015	27.09.2016	28.01.2016	28.01.2016
Total area of the territory, ha	1324.12	597.31	174 151.92	54 747.57	19 119.83
Total area of land not registered in the land register, %	29.32	24.41	5.32	24.39	34.25
including, %:					
land for which the opinions of the land commissions on the restoration of property rights have been accepted	0.29	0.55	0.45	0.55	0.62
land in the legal possession of natural and legal persons	0.32	0.93	0.93	0.93	1.63
land belonging to the state	0.12	20.85	1.35	20.84	27.43
public waters	5.15	0.54	0.52	0.53	0.34
reserve land fund land	0.82	0.12	0.25	0.13	0.62
the land belonging to the municipality government	22.62	1.41	1.82	1.41	3.61
the land included in the equivalent land compensation fund	-	0.01	-	-	-

* Note: on June 10, 2020, the Law on Administrative Territories and Settlements was adopted, according to which administrative territories will move into new borders on July 1, 2021

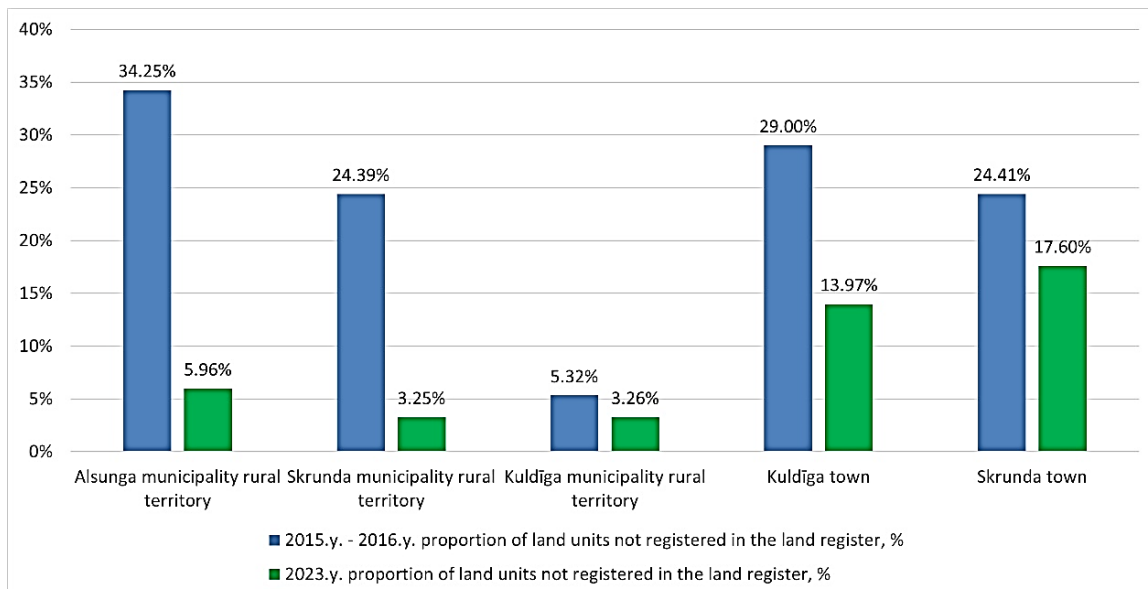
Source: compiled by the authors based on the data of the State Land Service and the government of Kuldīga municipality

The share of the area of land not registered in the land register differs significantly between the territorial units of the municipality (Table 1). The smallest area of land not registered in the land register was in the former rural territory of Kuldīga municipality (5.32% of the total area of the municipality), but the highest proportion was in the rural territory of the former Alsunga municipality (43.25%) and in the town of Kuldīga (29.32 %). Evaluating the data, it can be concluded that in the rural territory of Alsunga municipality, in the town of Skrunda and in the rural territory of Skrunda municipality, the largest share of land units not

registered in the land register is state-owned land, respectively 27.43%, 20.85% and 20.84% (Table 1). On the other hand, in the town of Kuldīga, the largest share of the area (22.62%) of the land units not registered in the land register is the land belonging to the municipality. But in the former rural territory of Kuldīga municipality, the proportion of land not recorded in the land register in the distribution by status is relatively balanced, however, the biggest advantage is the land belonging to the municipality and the state (respectively 1.82% and 1.35%).

In order to assess the dynamics of the implementation of land reform in the period from the moment of the issuance of the Cabinet of Ministers' orders on the completion of land reform in 2015 and 2016 with the current data of the Cadastre Information System (2023), changes in the areas of land units not registered in the land register were compared in the former administrative territories, which now forms Kuldīga municipality (Fig. 2).

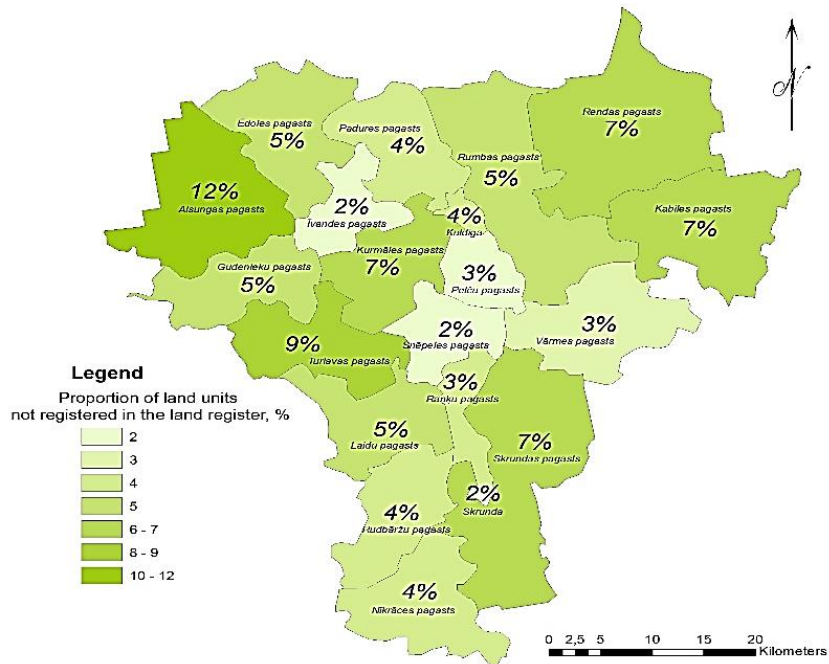
As can be seen in the figure 2, the proportion of unregistered land units in the land register has decreased in all administrative territories during this period. The most significant changes can be seen in the former territory of Alsunga municipality, where in 2016, 1/3 of the municipality territory was not registered in the land register, but in 2023, only 5.96% of land units were no longer registered in the land register. Significant changes have also occurred in the rural territory of the former Skrunda municipality, where the proportion of land units not registered in the land register has decreased from 24.39% in 2016 to 3.25% in 2023. Also, a significant reduction of the unregistered area in the land register can be seen in the town of Kuldīga and the town of Skrunda. On the other hand, in the former rural territory of Kuldīga municipality, there is the smallest decrease (by only 2.06%) of the area of land units not registered in the land register over these 8 years, which can be explained by the fact that already in 2016, this indicator was small - 5.32%. However, it was not possible to discover special relationships in the dynamics of this process. It must be concluded that there is a certain part of the land units whose registration of property rights in the land register has objective or subjective obstacles that should be eliminated.



Source: compiled by the authors based on the data of the State Land Service

Fig. 2. Changes in the proportion of the area of land units not registered in the land register

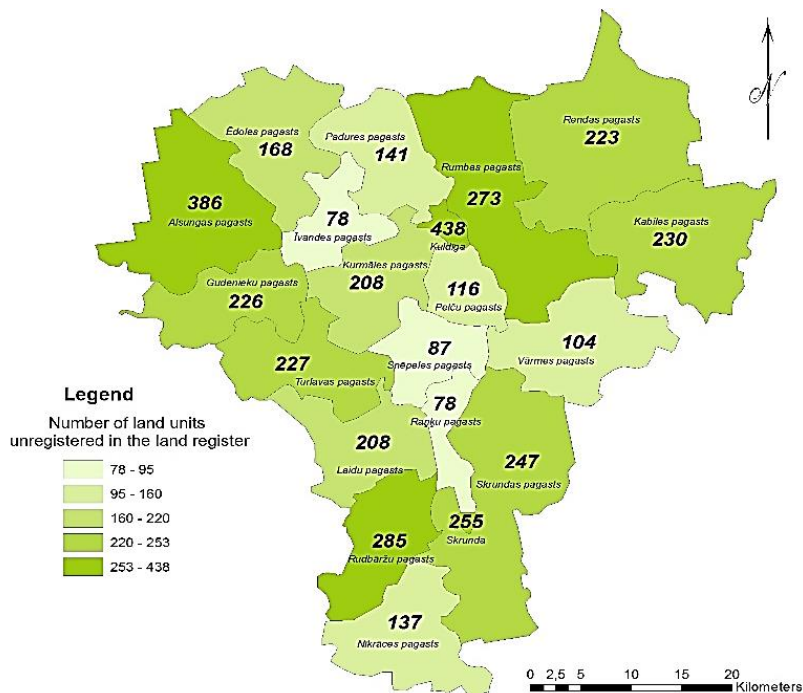
Figure 3 shows that in 2023 the largest proportion of unregistered lands in the land register is in Alsunga rural territory (12%) and Turlava rural territory (9%), while the smallest proportion of these areas is in Ivande and Snepele rural territories and in Skrunda town (in each 2 %).



Source: compiled by the authors based on the data of the State Land Service

Fig. 3. The share of unregistered land areas in the land register in Kuldīga municipality, 2023, %

Figure 4, on the other hand, shows the distribution of the number of land units not registered in the land register by territorial units in Kuldīga municipality. Although the proportion of unregistered land units in the land register was only 4%, the number of such land units is the highest in the town of Kuldīga (438). This can be explained by the way these land units are used - they are mostly building plots, the sizes of which are relatively small. A large number of unregistered land units are in Alsunga rural territory (386), Rudbarzi rural territory (285) and Rumbas rural territory (273).



Source: compiled by the authors based on the data of the State Land Service

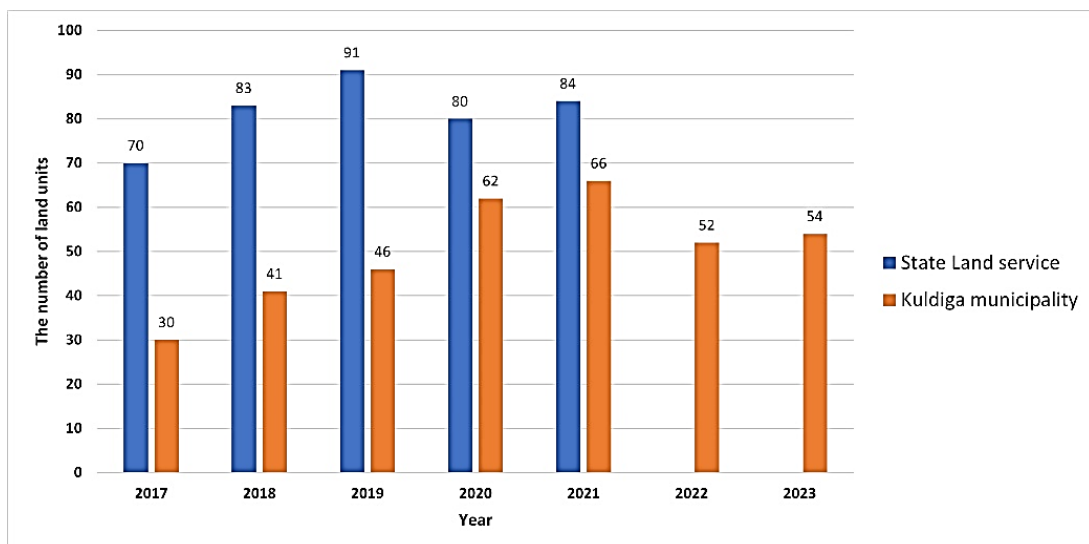
Fig. 4. The number of land units not registered in the land register in Kuldīga municipality, 2023

Both the number of unregistered land units in the land register and the proportion of their area to the area of the respective rural territorial unit are of significant importance - the larger the area of the rural territory, the more unregistered lands there are in the land register. However, it must be recognized that these differences between territorial units are difficult to explain due to the number of unregistered land units in the land register. Estonian researchers also obtained similar results when analyzing the results of the land reform in Estonia (Jurgenson, Maasikamae, 2009). The land users themselves, their interest and capabilities also play a big role in the quick completion of the land reform.

2. Land cadastral surveying and related obstacles

Land units must be cadastral measured before registration in the land register. Figure 5 compares the number of land units surveyed by the State Land Service and government of Kuldīga municipality until 2023. The data of the State Land Service on the cadastral survey of land in 2022 and 2023 were not yet available at the time of the research, but it can be concluded that the government of Kuldīga municipality was not far behind the State Land Service in terms of the number of land units surveyed in 2020 and 2021. When starting the land reform, the state undertook to correct the injustice of land nationalization and to carry out the first land cadastral survey at the expense of the state budget for a certain group of persons: former land owners and their inheritors, politically repressed and people with group 1 disabilities (Ministru kabinets, 2012). According to the data of the State Land Service, there are 3884 land units in the entire territory of Latvia, for which the state has undertaken to carry out the first land cadastral survey with budget funds. The state has entrusted this task to the State Land Service. Funding for land cadastral surveying is provided in the institution's budget every year, with the help of which the State Land Service has surveyed 408 land units in the period from 2017 to 2021 (Fig. 5).

Considering the amount of land units in use by Kuldīga municipality, as well as the financial and administrative capacity of the municipality, surveying all the land units owned by the municipality will take several decades.



Source: compiled by the authors based on the data of the State Land Service and the government of Kuldīga municipality

Fig. 5. The number of surveyed land units in the period from 2017 to 2023

Cadastral surveying is often hindered by various legal obstacles. In addition, most often it is the death of a person, the absence or unreachability of inheritors. When implementing the land cadastral survey, it

is very important that the person is reachable and able to promptly participate in the land cadastral survey process, thus facilitating the restoration of ownership rights.

According to the data of the State Land Service (2023), 26 land units are included in the list in Kuldīga municipality, which are waiting for land cadastral surveying at the expense of the state budget. There are the most of them in the rural territories of Alsunga and Renda, where six land units are waiting for land cadastral survey in each rural territory for the state budget funds. There are 4 in Kuldīga town, 3 in Skrunda rural territory, two each in Nikrāce and Turlava rural territories, and one land unit each in Gudenieku, Kābile and Rumba rural territories. Practically all of these land units have legal obstacles, and they cannot apply for land cadastral surveying at the expense of the state budget.

There are 137 land units with a total area of 670.5 ha in Kuldīga municipality, which in the Cadastre information system have the status "Land for which opinions of the land commission on restoration of ownership rights have been accepted" (State Land Service, 2023). For all these land units, the land commission has adopted a decision on the restoration of property rights, which entitles a person to carry out a cadastral survey of the land at his own expense or at the expense of the state budget and register the property rights in the land register. There are no such territorial units in Kuldīga municipality where there are no land units with this status not registered in the land register, but in terms of area, the majority of such land units are in Skrunda (123.9 ha), Ranki (84.6 ha) and Renda (76.2 ha) rural territories. However, registration in the land register does not go so smoothly, it is often due to the absence of potential owners or other personal motives. For example, in the town of Kuldīga, as of 2023, there are 7 such land units with a total area of 2 ha on the list. The purpose of real estate use for these land units is mainly the construction of individual residential houses, one-story and two-story apartment buildings, but for five of them the survey cannot be carried out because the potential owner is dead.

3. Use of land units not registered in the land register

The possibilities of the municipality to deal with its property are relatively wide, and it has the right to register real estates in the name of the municipality in the land register, conclude transactions, acquire and expropriate or lease movable property and real estate. The Municipal Law (2022) stipulates that the municipality acts within the boundaries of its administrative territory and its task is to manage the assets in its use and ownership as efficiently as possible.

Normative acts on the lease of personal land regulate the procedure for leasing land units belonging to the municipality, but not registered in the land register. When leasing undeveloped land to the government of Kuldīga municipality, the rent or the starting price of the auction is determined according to the price list established by a certified appraiser (Cabinet of Ministers, 2018) and the rent must be reviewed at least once every six years. Exceptions are land lease agreements concluded in accordance with Cabinet of Ministers regulations of August 30, 2005 no. 644 "Rules on the procedure for concluding a lease agreement for unpurchased rural land and calculating the rent", where the land rent is set at 0.5% of the land plot's cadastral value and the contracts are not terminated. On the other hand, the annual rent of a built-up plot of land is 1.5% of the land plot's cadastral value, but not less than EUR 28.

From the point of view of efficient and economically justified use of resources, it seems that it is not correct to lease land to former users, building owners and for the needs of personal auxiliary farms, because the rent is significantly lower and the terms of the lease agreement are not always favourable for the municipality. Leasing these lands consumes administrative resources, however, an important factor is that these territories provide the basic goals of land reform - they provide an opportunity to farm, maintain your own building property or set up a vegetable garden to meet basic needs.

Within the framework of the research, one case of land expropriation (purchase from the municipality) of a former land user is examined, which examines the lease relationship until the initiation of expropriation, the process of expropriation and its termination. With a person in accordance with the Cabinet of Ministers regulations of August 30, 2005 no. 644 "Rules on the procedure for concluding a lease agreement for unpurchased land in rural areas and the procedure for calculating the rent" a standard land lease agreement concluded until March 23, 2026 for the lease of a land unit with an area of 1.94 ha. The cadastral value of the land unit is 1652.- EUR, the rent is set at 0.5% of the cadastral value and is 8.26 EUR/year. In 2022, a person initiated the expropriation of a unit of land in accordance with the procedure established by the Law on the Expropriation of Property of a Public Person. Considering that the lessee has been in good faith and has fulfilled his obligations to the municipality, the government of Kuldīga Municipality has decided to prepare the land unit for expropriation. The municipality has carried out an assessment of the land unit and the expropriation notice has been sent to the former land user regarding the conditional price of the real estate to be expropriated – EUR 7200.-. The deadline for payment was set - within one month after receiving the aforementioned notification, therefore payment has not been made within the deadline. Considering that the concluded standard land lease agreement is valid until 2026 and the Law on Expropriation of Property of a Public Person does not allow to expropriate or lease land to other persons during the term of the lease agreement, then the valid lease agreement with the former land user continues. Comparing the rent and the conditional price set in the buyout offer, it can be concluded that continuing to lease the land to the former user is more profitable.

This example clearly describes the disorder in the lease relationship, which is not beneficial for both parties - the municipality and the land user who would like to buy the leased land. Therefore, the conditions of lease and land redemption terms should be changed.

Conclusions, proposals, recommendations

- 1) Full use of land is essential for the development of the whole Latvia. This land resource cannot be fully used in the development of the national economy until the land has been surveyed for the first time and the property rights to the land have not been confirmed in the land register. Although more than 30 years have passed, land reform is still not completed. In 2022, more than 1 million hectares of land were not recorded in the land register in the entire territory of Latvia, suggesting that there are obstacles hindering its completion.
- 2) In Kuldīga municipality, most of the unregistered land in the land register consists of land owned by the municipality and land used by state administrative institutions. Considering the amount of unregistered land in the land register, as well as the financial and administrative capabilities of the municipality, the registration of all land units in the land register will take several more decades.
- 3) In the last 7-8 years, a sharper reduction of unregistered lands in the land register can be observed precisely in those municipal territories where the proportion of these lands was higher. However, it was not possible to discover a significant reason for the differences in the lands not recorded in the land register in different areas of Kuldīga municipality - both in urban and rural area. It can be explained by the fact that the most problematic cases remained at the end of the reform. Likewise, land users themselves, their interest and opportunities to consolidate land ownership rights in the land register play an important role in the faster completion of land reform.
- 4) The most important reasons for the delay in the completion of the land reform are: insufficient financial resources (both for municipalities and potential land owners); various legal obstacles - the situation of potential land owners has changed due to the length of the reform, most often it is the

absence or unreachability of the person or his inheritor and the death of the person. As a significant obstacle in the strengthening of property rights is the unfavourable and inconsistent legislation in land lease and purchase relations, which does not create interest for land users to solve this situation.

5) The laws and regulations governing the leasing of land to former land users should be revised and a reasonable period should be established during which the lessee must buy the land or terminate the lease agreement.

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