

Legislative Support for Life and Human Capital Development in Rural Areas (Review of Legislative Acts)

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ABSTRACT

The authors of this article provide an overview of legislative and other regulatory legal acts regulating relations for the development of human capital in rural areas. Rural areas are the place of residence and production and economic activity of a part of the country's human capital. In this article we will consider the definition of the concept of human capital. We can use this definition to analyze the legislative support for the formation and development of human capital in rural areas. We see that the problem of employment of rural residents and ensuring their well-being still exists today. In this article, we consider ways to solve the problem of rural employment. We believe that it is necessary to modernize educational training from school to higher education in rural areas. Also we came to the conclusion that it is necessary to provide agricultural organizations with qualified personnel today. We also believe that the state should provide quality medical care in rural areas, as well as cultural components in rural settlements. We believe that it is necessary to support those large organizations of agricultural entrepreneurship that provide the village with social, household, engineering infrastructure and comfortable housing. Legal regulation based on laws and other normative legal acts should take into account all the listed tasks for the implementation of socio-economic development of rural territories.

Keywords: rural areas, human capital, normative legal acts, legislation, legal support and legal regulation

1. INTRODUCTION

There are many definitions of the concept of "human capital". But there is still no single definition approved at the legal level.

We consider the most optimal definition of the concept of human capital given by A.I. Dobrynin, S. A. Dyatlov, E. D. Tsyrenova [1]. Scientists have determined that human capital is a stock of health, knowledge, skills, abilities, motivation formed as a result of investments and accumulated by a person, which are expediently used in a particular sphere of social reproduction, contribute to the growth of labor productivity and production and thereby affect the growth of incomes of a given human.

We will consider this definition to be suitable for analyzing the legislative support for the formation and development of human capital in rural areas. This definition is in many ways consonant with the definitions of human capital made by other scientists.

Legal regulation based on laws and other normative legal acts plays an important role in the socio-economic development of rural areas.

A law is a normative legal act adopted in a special order and aimed at regulating the most important social relations, such as agricultural ones. The law is always normative, i.e. it always contains legal norms – general rules of conduct designed for an indefinite number of cases of application.

Only the highest representative (legislative) bodies of the Russian Federation and its subjects, or a popular vote (referendum), can pass laws. In the last decade, representative bodies of local self-government have begun to adopt laws [2].

The system of legislative and other normative legal regulations is based on the norms of the Constitution of the Russian Federation, adopted by a popular vote on December 12, 1993 [3].

2. MATERIALS AND METHODS

Our goal is to analyze the completeness and quality of legal acts and their sufficiency for full regulation of public relations in the sphere of formation and development of human capital.

We used the following methods to achieve the goal: methods of analysis, synthesis, generalization, forecasting, sociological, formally legal methods.

3. RESULTS

Chapter 2 of the Constitution of Russia occupies a special place, since the legal norms dedicated to a person are contained in it. The main duty of the state is the recognition and protection of rights and freedoms, honor and dignity of a person and citizen. The fundamental rights, freedoms and obligations, which have received their enshrining in the Constitution, cover all the main areas of human life and activity and correspond to the generally recognized international list of rights and freedoms.

The personal right of a person and a citizen implies the freedom of each person to make decisions regardless of the state.

We can divide fundamental rights and freedoms according to their content into:

- 1) civil rights and freedoms (Articles 20-31 of the Constitution);
- 2) political rights and freedoms (Articles 32-33);
- 3) economic rights and freedoms (Articles 43-73);
- 4) social rights and freedoms (Articles 38-44).

The rule of law should not only proclaim rights and freedoms, but also ensure them, make it possible for their real implementation. The guarantees of rights and freedoms enshrined in Articles 45-54 of the Constitution of the Russian Federation are designed to solve these problems. These guarantees are means, measures aimed at the practical implementation of these rights and freedoms. State bodies and the person himself, to whom Russian legislation and, above all, the Constitution, provide legal opportunities for their protection, play an important role here [4].

The Civil Code of the Russian Federation (parts one, two, three, four) is a unified legal act of civil legislation [5].

Civil legislation determines the legal status of participants in civil turnover, the grounds for the emergence and procedure for the exercise of property rights, rights to the results of intellectual activity and equivalent means of individualization (intellectual rights), regulates relations associated with participation in corporate organizations or with their management (corporate relations), contractual and other obligations, as well as other property and personal non-property relations based on equality, autonomy of will and property independence of the participants, in accordance with Article 2 of the Civil Code of the Russian Federation.

The norms set forth in the Civil Code of the Russian Federation and other acts of civil legislation have a direct

or indirect regulatory impact on public relations in the field of the formation and development of human capital, including in rural areas.

Laws and by-laws of civil legislation also determine the legal status of organizational and legal forms of business in the economy of the Russian state. Thus, the Civil Code of the Russian Federation is the most important legislative act that regulates public relations in a market economy, based on the principles of private law.

Federal Law No. 264-FL "On the Development of Agriculture" [6] is the main legislative act regulating agricultural activities. The principles and main directions of state agrarian policy and state support of agricultural producers are set out in this law.

Human capital serves as the main labor resource in agriculture. This requires a high level of knowledge, professional competencies, and motivation from the staff of agricultural organizations to master new technological techniques in crop production, animal husbandry, and other areas of modern agricultural activity.

Agrarian production is developing today on the basis of science and scientific achievements, information and digital technologies and other areas of "smart" agriculture.

These new, practically revolutionary approaches to the organization of agricultural activities will affect the quality of human capital and its place in modern agriculture.

However, the problem of employment of rural residents and ensuring their well-being exists today. This is due, inter alia, to the fact that the number of functioning agricultural organizations has sharply decreased in certain constituent entities of the Russian Federation, and there is no organized agriculture at all in some places in municipalities.

The development of non-agricultural activities based on private farms or specially organized agricultural cooperatives can become an alternative to the agricultural economy.

Harvesting and processing of products from forests and forest vegetation, harvesting wild mushrooms, berries, medicinal technical raw materials, folk crafts, extraction and use of common non-metallic materials, tourism and other types of employment of rural human resources can become activities based on legislative acts, outside of agricultural production.

Educational training from school to higher education is necessary to ensure that rural residents are educated people who are able to perform the tasks of human capital in rural areas.

The legal regulation of educational activities is regulated by Federal Law No. 273-FL of December 29, 2012 "On Education in the Russian Federation" [7]. This law regulates public relations that arise in the field of education in connection with the realization of the right to education, ensuring state guarantees of human rights and freedoms in the field of education, and creating conditions for the realization of the right to education. Also, this law establishes the legal, organizational and economic bases of education in the Russian Federation, the main principles of state policy of the Russian Federation in the field of education, the general rules of functioning of the education

system and the implementation of educational activities, determines the legal status of participants of relations in the sphere of education.

Unfortunately, schools and kindergartens are closed today in many rural areas. This circumstance negatively affects the formation of human capital in rural areas with the necessary educational level, capable of further training, with the aim of acquiring higher or secondary vocational education in the field of agricultural economy or other sectors of the national economy.

Educational centers should train future specialists in the production of products in the field of non-agricultural activities, along with the training of agricultural specialists for work in agriculture. This will allow maintaining the required level of quality of life of human capital, which is not involved in agricultural production.

It is obvious that we need to modernize the education system today. Modernization will make it possible to train versatile qualified specialists in all areas of spatial development, including the organization of the economy through the policy of regional development in rural areas.

The spatial development strategy of the Russian Federation for the period up to 2025, approved by order of the government of the Russian Federation No. 207-R dated February 13, 2019, defines solutions to the above tasks.

We can also note legislative acts in the field of health care development, which ensure the prevention of morbidity in human resources in rural settlements and the treatment of sick people. This is Federal Law No. 52-FL of March 30, 1999. "On the sanitary and epidemiological welfare of the population" [8], Federal Law No. 323-FL dated November 21, 2011 "On the basics of protecting the health of citizens in the Russian Federation" [9].

Hundreds of legislative and other regulatory legal acts have been adopted aimed at preventing diseases and treating citizens, in the field of legal regulation of healthcare.

Medical services to the population in rural areas are implemented as follows: construction of paramedic and midwifery centers and offices of general practitioners is underway.

At the same time, we should note that such structures are still unstable in some rural areas due to the lack of medical workers, who do not always go willingly to work in rural settlements. Therefore, the state must provide real support for this category of medical personnel. Support may consist of providing doctors and other health workers with comfortable housing and other social services that affect the quality of life and work of health workers in rural areas.

The closure of cultural centers – rural clubs and libraries – is a serious drawback for the formation and development of human capital in certain rural settlements in recent years. Club and library as a socio-cultural infrastructure in rural settlements have always performed a cultural and educational function and played an important role not only in educating rural youth, but also in preserving the cultural traditions of the people. But laws on culture are still in force! Even today, the library can provide an opportunity to get information about Russian and world culture via the

Internet, in the context of digitalization and the information society.

The Law "Fundamentals of the Legislation of the Russian Federation on Culture" was adopted on October 9, 1992 – in the new socio-economic and political conditions in the Russian Federation. The law is currently in force as amended by federal law No. 357-FL of November 28, 2015 [10]. Article 3 of this legislative act defines concepts such as: cultural values, cultural heritage, state cultural policy and others. Unfortunately, these most important definitions in the field of culture have not yet been adequately implemented in relation to rural areas.

Unfortunately, local governments in Russia are not active in matters of culture and protection. Despite the fact that Federal Law No. 131-FL of October 6, 2003 "On the General Principles of Organization of Local Self-Government in the Russian Federation" [11] in Article 14 "Issues of Local Significance of Settlements" indicates that these issues apply. We can give examples of how these issues exist in laws:

1. Organization of library services for the population, acquisition and preservation of library collections of libraries of the settlement.
2. Creation of conditions for organizing leisure and providing residents of the settlement with the services of cultural institutions and other areas for the preservation and development of culture and cultural values.

Law is law. And local authorities must implement laws so that human capital in rural areas has the same opportunities as in urban areas.

The Strategy for sustainable development of the territory of the Russian Federation for the period up to 2030 [12] and the State Program "Comprehensive Development of Rural Areas", approved by Decree of the Government of the Russian Federation No. 696 of May 31, 2019 [13], are currently in force.

These legal acts contain a set of tasks for the development of rural areas. Rural settlements are the living environment for a certain part of the human capital of the Russian Federation. This article examines certain legislative acts regulating relations in the field of education, health care, culture and employment of human resources in rural areas. Of course, we must add decrees and orders of the President of the Russian Federation, decrees and orders of the Government of the Russian Federation, normative legal acts of federal ministries and departments, as well as state authorities of the constituent entities of the Russian Federation and, in some cases, local governments, to the listed legislative acts. Practice shows that it is impossible to qualitatively regulate certain social relations only by federal laws [14, 15].

Analysis of the reviewed Federal laws shows that almost all of these laws require amendments or additions, because they cannot yet provide full regulation of relations that create conditions for the formation and development of human capital in rural areas of the country.

It is obvious that in modern conditions a new approach is necessary [16] to the content of the head law "On the Development of Agriculture" dated December 29, 2006, the norms and directions of which are focused on state

support for existing agricultural producers. At the same time, Russian agriculture has changed dramatically over the period since 2006 in terms of scientific, technical and technological support.

Law dated December 29, 2006 does not fully cover all aspects of agricultural development by legal regulation. It is quite obvious that the personnel problem is present in agriculture today.

First, it is necessary to provide qualified personnel for the agricultural organizations that exist today, since the issues of personnel support for production may arise here in the very near future due to the aging of personnel.

Second, an active transition to digitalization, robotization [17] and other modern technical and technological solutions will require the presence of such workers who have the appropriate knowledge and competencies.

4. CONCLUSION

The problem of labor employment remains open in agriculture in rural areas, where organizations of important agricultural production are currently eliminated. It is necessary to ensure stable employment of the rural population. Only then will we be able to talk about forming a strategy for the development of human capital for working in agricultural organizations that we can try to create to replace the liquidated ones.

Purposeful training of specialists for work in agriculture is necessary for the successful solution of the above problems. The system of continuous agricultural education worked in the 70s - 80s of the last century in the Sverdlovsk region. This system included several links: 60 rural classes in rural schools, specialized agricultural vocational schools, training courses, agricultural technical schools and other technical schools that trained specialists with secondary vocational education (food, processing industry), the Sverdlovsk Agricultural Institute trained specialists with higher education. Postgraduate education existed: specialists working in agriculture received retraining and advanced training at the institute.

The system of continuing agricultural education is currently deteriorating. The number of rural classes in rural schools is declining, agricultural vocational schools have been liquidated or re-profiled, only 4 educational and course factories that train mass professions for agricultural organizations remain in the Sverdlovsk Region.

140-150 rural residents studied until recently at the Ural State Agricultural Academy (now the Ural State Agrarian University) under contracts of targeted training, and now only 40 people are studying. Perhaps not all of them will find employment in agriculture.

Other problems also exist, along with problems with continuing agricultural education. The presence of these problems does not allow the sustainable and cost-effective development of agriculture.

First, the demographic problem exists in rural areas, which directly affects the number of human capital. Secondly, agriculture in the Russian Federation today reaps the fruits of the voluntary liquidation of stable collective farms, state

farms and other state organizations since 1990. This policy has led to the fact that for almost 20 years there has been no organized agricultural production in many villages, farms have been liquidated, equipment has been stolen from the yards or at best used by farmers or private farms. The able-bodied population either left the village, or is engaged in personal subsidiary farming, or work on a farm using old equipment and technologies. This situation does not motivate young rural human capital to continue working in agriculture.

We should note that large organizations of agricultural entrepreneurship are located mainly in rural areas with the presence of social, household, engineering infrastructure and comfortable housing, in all such settlements there are gas and other utilities. If there are no such efficiently working agricultural organizations in rural settlements, then unsolved problems of their social development have existed for a long time.

This far from complete list of problematic issues confirms the thesis about the need to modernize the existing law "On the development of agriculture" in terms of full coverage of legal mediation of all rural territories:

- territories in which agricultural production exists today;
- territories where there is no organized agricultural activity today, but there are agricultural lands that can be returned to organized agriculture under different conditions.

Without complicating the law of December 29, 2006, it is possible to adopt a special federal law on the revival of agricultural activity in the territories where state farms, collective farms and other agricultural producers have functioned for many years.

Together, all this will stimulate the employment of human capital in agriculture [18].

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