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A Study on Land Market in Turkey After the New Land Law

Türkiye'de Yeni Arazi Yasası Sonrası Arazi Piyasaları Uygulamaları Üzerine Bir Araştırma

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A STUDY ON LAND MARKET IN TURKEY AFTER THE NEW LAND LAW

ABSTRACT:

The small, shared, fragmented, and dispersed structure of Turkey's agricultural lands has negatively affected farms' effective and efficient management. Developed and developing countries have been involved in many legal and institutional structural formations, including new techniques and theories since their establishment, but they have experienced difficulties in controlling the market for agricultural lands administratively. To solve these problems, which happened in the Turkish agriculture sector and create a sustainable land market, the Soil Conservation and Land Use Law numbered 5403 was issued in 2005. With the regulation made in 2014, it has become a new law that can create different effects. In this study, the socio-economic characteristics of the farmers who bought and sold agricultural land (240 farmers) in September, October and November of 2019 in Karaman, as well as their opinions on the land market and developments after new land law were examined. While determining the sample size, all the farmers who traded in the specified region were interviewed on the specified date. While 27.52% of the farmers stated that the land size affects the land price, 23.85% of them stated that efficiency was the second most crucial factor on the land price. It was determined that 45.83% of the sellers sold their land to pay their debts and 66.67% of the lands sold were paid in cash. The Chi-square independence test was used in the analysis of data. As a result of the analysis, a relationship was found between the personal interests of the farms in agricultural activities, their educational status, their non-agricultural income, and their status as the seller or buyer of the land. This relationship supports that farmers who are actively involved in agricultural production are important actors in the land purchase and sale market. It will be beneficial to take into account the opinions of the farmers in this group in the studies to be carried out on the land market.

Keywords: *Land Division, Land Market, Land Sale, New Land Law*

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TÜRKİYE'DE YENİ ARAZİ YASASI SONRASI ARAZİ PİYASALARI UYGULAMALARI ÜZERİNE BİR ARAŞTIRMA

ÖZ:

Türkiye'de tarım arazilerinin küçük ölçekli, hisseli, parçalı ve dağınık yapıda olması, tarım işletmelerinin etkin ve verimli yönetimini olumsuz etkilemektedir. Gelişmiş ve gelişmekte olan ülkeler, kurulduklarından bu yana yeni teknik ve teorileri

de içine alan yasal ve kurumsal birçok yapısal oluşum içinde olmuş, ancak yönetimsel olarak tarım arazilerinin piyasasının kontrol altına alınmasında zorluklar yaşamışlardır. Türkiye tarımında da yaşanan bu sorunları çözebilmek ve sürdürülebilir bir arazi piyasasını oluşturabilmek için 2005 yılında 5403 sayılı Toprak Koruma ve Arazi Kullanımı Kanunu çıkarılmıştır. 2014 yılında yapılan düzenleme ile farklı etkiler yaratabilecek yeni bir yasa haline gelmiştir. Bu çalışmada, Karaman ilinde 2019 yılı Eylül, Ekim ve Kasım aylarında tarım arazisi alım-satımı gerçekleştiren üreticilerin sosyo-ekonomik özellikleri ile arazi piyasasına ilişkin görüşleri ve yeni arazi yasası sonrası oluşan yapısal gelişmeler incelenmiştir. Örneklem büyüklüğü belirlenirken, belirlenen bölge ve tarihte alım satım yapan tüm üreticilerle görüşülmüştür. Üreticilerin %27,52'si arazi büyüklüğünün fiyata etki ettiğini belirtirken, %23,85'i verimin fiyat üzerinde en önemli ikinci faktör olduğunu belirtmişlerdir. Satıcıların %45,83'ünün arazisini borçları için sattığı ve satışı yapılan arazilerin de %66,67'sinin bedelinin peşin olarak ödendiği tespit edilmiştir. Verilerin analizinde ki-kare bağımsızlık testi uygulanmıştır. Analiz sonucunda işletmelerin tarımsal faaliyetlerle bizzat ilgilenme durumları, eğitim durumları, tarım dışı gelirlerinin durumu ile arazilerin satıcısı veya alıcısı olma durumları arasında anlamlı bir ilişki tespit edilmiştir. Bu ilişki, tarımsal üretimde aktif olarak yer alan üreticilerin arazi alım-satım piyasasının önemli aktörleri olmasını desteklemektedir.

Anahtar Kelimeler: *Arazi Bölünmesi, Arazi Piyasası, Arazi Satışı, Yeni Arazi Yasası*

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1. INTRODUCTION

Agricultural lands have been used by human beings as shelters, living spaces and food production areas in line with human needs and priorities to feed the rapidly increasing population for centuries. On the other hand, the needs and priorities of human beings have changed in line with the demands depending on time, place, and development situation. The more efficient and productive use of agricultural lands has remained an unchanging issue.

With the increase in pressures on agricultural lands, meeting the land needs of different sectors from agricultural land caused some of the land to go out of agriculture and some of it not to be used efficiently, which has revealed the need for land management in rural areas. The fragmentation of agricultural lands by inheritance prevents the efficient use of the lands.

As a result of the destruction of the "landlord" system in Europe after the French Revolution and the agricultural reform studies for the distribution of state lan-

ds, the problem of land fragmentation arose. Over time, land consolidation works and land management began to be used as an effective tool in solving the fragmentation caused by the investments needed in the public sector. In many European countries, legal regulations have been made regarding the use of agricultural lands, and efforts have been made to prevent businesses from turning into uneconomic production units. For example, in England, agricultural land is transferred to the eldest brother by inheritance, while in France, the brothers leave it to one of the inheritors within the scope of their decision, and the heir is provided with favorable conditional loans to make it easier for the heir to pay his shares of the inheritance to other heirs. (Latruffe and Le Mouel, 2006). In Germany, measures were taken to protect farmers' scales with the "Administrative Control of the Change of Ownership of Farms Law" enacted in 1961 (Winkler, 1992).

The prevalence of small-scale farms, and fragmented and scattered land were the main structural problems with agricultural land in Turkey (Tanrıvermiş and Şanlı, 2008; Türker, 2011; Türker, 2017). In 2019, 3 million farms cultivated 23.2 million hectares of agricultural land, and the average land area of farms was 5.9 hectares. The farmland consisted of 10 parcels and 13 shareholders cultivated the farmland (Anonymous, 2019a). These statistics reveal that the land structure in Turkey is very fragmented and the farms are small-scale. Along with this, the amount of agricultural land operated in the form of tenancy, half-ownership, or sharecropping, the conditions of which are determined in an uncontrolled manner and increasing, and the farms engaged in agricultural production without land are becoming widespread.

Many legal regulations have been made regarding the sustainable use and protection of agricultural lands. Throughout the history of the Turkish Republic, the most important law for agricultural land management is the "Soil Conservation and Land Use Law" numbered 5403, which was issued in 2005 (Anonymous, 2004). This law aims to classify, protect, develop, and prevent the division of land and agricultural lands under the determined land sizes and use them according to the principles of sustainable development. Until 2008 in Turkey, village-based and irrigation investment-oriented simple land consolidation was implemented. After this date, consolidation projects were accelerated, and basin-based and multi-purpose consolidation practices were implemented. To date, many studies have determined the positive effects of land consolidation activities on producers in Turkey (Koral and Güney, 1996; Özyazıcı, 2007; Sönmezyıldız, 2013). However, the regulations and practices were unable to address the structural problems and the formation of a solid agricultural land market (Türker and Gencel, 2010; Türker, 2017). Until 2012, approximately 4.2 million hectares of land were consolidated (Anonymous, 2019a; Anonymous, 2019b). It has been observed that the consolidation projects have solved the problem of fragmentation, but not the shareholding problem and

have not increased the scale of the farm with the current practice. With inheritance and sales, land divisions continued in the consolidated agricultural areas (Türker, 2011; Türker et al., 2014; Türker, 2017). The protection and development of agricultural lands, the classification of their lands, the minimum agricultural land and the agricultural land with sufficient income, and the principles and procedures ensuring the planned use of agricultural lands in accordance with the environmental priority sustainable development principal have been determined by the Law of the Amendment of the Law on Soil Conservation and Land Use Law" (No. 6537, adopted on 30/4/2014), (Anonymous, 2014). It has been claimed that the new inheritance law is essential in that it covers different issues than the regulations made so far. It gives one year to the heirs in the transfer of ownership by inheritance, prolonging the transfer process (Kavasoglu and Sayin, 2016).

This research aims to determine the farmers' perspectives on the new land law and their socio-economic characteristics who bought and/or sold agricultural land in the province of Karaman in 2019. The research results are thought to be an important reference for both researchers and lawmakers, as well as evaluating the changes, regulations and developments that took place in 2014 when the last legal regulation on the agricultural land market was issued.

2. Material and Methods

This research was conducted in Karaman, which is one of Turkey's most important agricultural provinces regarding its strategic location, agricultural production, and agro-based industry. Although there are 6 districts and 154 villages in the province and there are 13,088 farmers registered in the farmer registration system. In 2020, the total land assets of Karaman province were 885,100 ha and 36.95% of them were agricultural lands. The land width of land consolidated in Karaman province until 2020 was 73,503 ha, while the ongoing land width was 181,182 ha (Anonymous, 2020).

In this study, primary data was obtained from the survey with 120 sellers and 120 buyers in 44 villages where land was purchased and sold in the province of Karaman in September, October and November 2019. While determining the sample size, all the farmers who traded in the specified region were interviewed on the specified date. Survey questions were prepared for both buyers and sellers to determine the socio-economic structure and agricultural production characteristics of the farmers, obtain information about the land purchase and sale, and determine their opinions on the land legislation. In addition to these data, publications and websites belonging to public institutions operating in the study area and previous domestic and foreign studies on the subject of the study were also utilized.

The Chi-Square test of independence was used to analyze the data obtained within the scope of the study ($p<0.05$). The Chi-square test is one of the most widely used tests among nonparametric tests. There are different application areas. If it is desired to reveal the existence of a relationship between two qualitative variables, it is necessary to resort to the chi-square test of independence (Bakan and Büyükbeşe, 2004). Chi-square test of independence aims to test the similarity of the frequencies (Gij) observed in the 2x2 or r x c type cross-charts to the theoretical frequencies (Tij) calculated according to the marginal probability approach (Bircan et al., 2003).

Hypotheses tested in the chi-square test of independence were given as follows;

H_o: There is no relationship between variables.

H_1: There is a relationship between variables.

Chi-square test statistic

is calculated according to the below formula (1):

$$\chi^2 = \sum \frac{(G_{ij} - T_{ij})^2}{T_{ij}} \qquad (1)$$

The calculated chi-square statistic is then compared with (r-1) (c-1) degrees of freedom (df) with the chi-square value found from the table, and if *p-value*<0.05, it is decided that the H_0 (null) hypothesis is rejected (Çömlekçi, 2001).

3. Result and Discussion

In Table 1, the socio-economic characteristics of the farmers who are land sellers and buyers were specified. While 86.67% of the sellers were men, this rate was 94.16% for buyers. While 45.00% of the land sellers stated that they have been engaged in agricultural activities for 31 years and more, 35.83% and 23.33% of the buyers have been engaged in agricultural activities for 21-30 and 31 years and more, respectively. Whether the farmers are sellers or buyers has a relationship with the number of years they have been engaged in farming and this was tested by chi-square analysis, and a significant relationship was found between the duration of experience of the farmers and whether they were buyers or sellers (p-value = 0.002).

It was determined that 51.66% of the sellers and 45.83% of the buyers were primary school graduates. As a result of the analysis, a statistically significant rela-

tionship was found between the education status of the farmers, whether they are sellers or buyers (p-value = 0.000).

Table 1. Socio-Economic characteristics of farmers

	SELLER		BUYER	
	n	%	n	%
Gender				
Woman	16	13.33	7	5.84
Man	104	86.67	113	94.16
Total	120	100.00	120	100.00
Experience				
0-10	7	5.83	16	13.34
11-20	20	16.67	33	27.50
21-30	39	32.50	43	35.83
31 +	54	45.00	28	23.33
Total	120	100.00	120	100.00
	χ^2 = 15.149 p-value=0.002 (<0.05)			
Education				
Literate	15	12.50	0	0.00
Primary School	62	51.66	55	45.83
Secondary School	24	20.00	25	20.83
High School	14	11.67	31	25.83
University	5	4.17	9	7.51
Total	120	100.00	120	100.00
	χ^2 = 23.004 p-value=0.000 (<0.05)			
Having any agricultural engineer in the family				
Yes	15	12.50	21	17.50
No	105	87.50	99	82.50
Total	120	100.00	120	100.00
Having non-agricultural income				
Yes	59	49.16	23	19.17
No	61	50.84	97	89.83
Total	120	100.00	120	100.00
	χ^2 = 24.007 p-value=0.000 (<0.05)			

While 87.50% of the sellers did not have an agricultural engineer in their family, this rate was 82.50% among the buyers. While it was found that 49.16% of the land sellers had non-agricultural income, the rate of those with non-agricultural income among the buyers was 19.17%. As a result of the analysis, a statistically significant relationship was found between the farmers' non-agricultural income status and their status as a seller or a buyer (p-value = 0.000) (Table 1.).

Information on the agricultural activities of the farmers is given in Table 2. While the rate of sellers who received training in agriculture was 18.33%, this rate was 26.67% for buyers. As a result of the analysis, a statistically significant relationship was not found between the farmers' education on agriculture and whether they are sellers or buyers (p-value = 0.122). While 65.83% of the sellers were personally interested in their agricultural activities, this rate was determined to be higher for the buyers (90.83%). A statistically significant relationship was found between the farmers' interest in agricultural activities and whether they are sellers or buyers (p-value = 0,000). Also, 29.17% of the sellers benefit from the agricultural consultancy service, while this rate was determined as 39.17% for the buyers.

Table 2. Information on agricultural activities of farmers

	Seller		**Buyer**	
	n	%	n	%
Having any agricultural education				
Yes	22	18.33	32	26.67
No	98	81.67	88	73.33
Total	120	100.00	120	100.00
χ^2 = 2.389 p-value=0.122 (>0.05)				
Being personally involved in agricultural activities				
Yes	79	65.83	109	90.83
No	41	34.17	11	9.17
Total	120	100.00	120	100.00
χ^2 = 22.095 p-value=0.000 (<0.05)				
Being a beneficiary of the agricultural agency's services				
Yes	35	29.17	47	39.17
No	85	70.83	73	60.83
Total	120	100.00	120	100.00
Having an agricultural insurance				
Yes	69	57.50	82	68.33
No	51	42.50	38	31.67
Total	120	100.00	120	100.00
χ^2 = 3.018 p-value=0.082 (>0.05)				
Being involved in livestock				
Yes	32	26.67	44	36.67
No	88	73.33	76	63.33
Total	120	100.00	120	100.00
χ^2 = 2.773 p-value=0.096 (>0.05)				

It was found that 57.50% of the sellers and 68.33% of the buyers had agricultural insurance. As a result of the analysis, a statistically significant relationship was not found between the farmers' with agricultural insurance and their status as a seller or a buyer. (p-value = 0.082). Also, 26.67% of the sellers dealt with animal husbandry, while this rate was 36.67% for the buyers. A statistically significant relationship was not found between the farmers' dealing with livestock and their status as a seller or buyer (p-value = 0.096) (Table 2.).

Within this research, the information about the reasons for the farmers' selling the land was also stated. While 45.83% of the sellers were determined to sell their lands to pay their debts, 21.67% of them were determined to start another business, and 10.83% of them sold their lands because they had low income from agriculture (Table 3). Also, Aksu (2017) found that 16% of the farmers sold their lands because of their debts, 15% fragmented land and 11% left farming.

Table 3. Information on the reasons for the farmers to sell land

	n	**%**
Starting another farms	26	21.67
Sharing heritage	9	7.50
Pay debt	55	45.83
Having trouble with the neighboring land owner	7	5.83
Migrate from the village	9	7.50
Low income	13	10.83
Inability to process the big land	1	0.84
Total	**120**	**100.00**

Information about the reasons for the farmers' buying of land was given in Table 4. It was determined that 80.83% and 11.67% of the buyers bought land to expand farms and establish a new farm.

Table 4. Information on the reasons for the farmers to buy the land

	n	(%)
Expanding farms	97	80.83
Non-agricultural activity	7	5.83
Establishing a farm	14	11.67
Investing in the future	2	1.67
Total	**120**	**100.00**

In Table 5, information about the factors affecting the purchase and sale price of the land was specified. While 27.52% of the farmers stated that the size of the land affects the land prices, 23.85%, 16.82% and 16.51% of them stated that yield, payment terms, and being close to the road affect the land prices.

Table 5. Information on the factors affecting the purchase and sale price of the land

	n	%
Productivity	78	23.85
Size	90	27.52
Proximity to the road	54	16.51
Seller's congestion status	40	12.23
Buyer's attitude	10	3.07
Payment terms	55	16.82
Total	**327**	**100.00**

While 30.83% of the farmers stated that the field was registered without title deed or in the name of the deceased, they had more than one share and some shareholders could not be reached, 28.33% of the farmers stated that the title deed transactions were the main reasons. The rate of farmers who state that they do not have a problem with excessive bureaucracy on purchasing or selling agricultural land was 20.83% (Table 6.).

Table 6. Information on the most common problems in the land trading

	n	%
Deed transfer (bureaucracy)	34	28.33
Title deed registration problem (shareholder, registration on behalf of the dead, inability to reach the owner)	37	30.83
Tax procedures (high tax and title deed fees)	3	2.51
Difficulty in payment	15	12.50
Mortgage	6	5.00
No problem	25	20.83
Total	**120**	**100.00**

While 20.83% of the sellers stated that they sold their lands within 10 days after deciding to sell their land, 21.67%, 25.83% and 25.83% of the sellers sold their lands between 11-20 days, 21-30 days and 31-60 days, respectively (Table 7).

Table 7. Information on how many days after the decision is made to sell the land

Day	n	%
1-10	25	20.83
11-20	26	21.67
21-30	31	25.83
31-60	31	25.83
61-90	7	5.84
Total	**120**	**100.00**

In Table 8, the information of the farmers about the properties of their lands sold was listed. While 80.83% of the farmers stated that their lands had separate title deeds and the landform was smooth, 78.33% of those who migrated from the village sold their lands, 53.33% of them sold their land to their neighbors and 55.83% of them had irrigation facilities. The Chi-square test result shows that there was a statistically significant relationship between the farmers' opinions about the new land law and the problematic situations in the land transferred through inheritance (p-value = 0.004) (Table 8.). Another study stated that the irrigation of the land and its proximity to the center were the most critical factors affecting the land price (Aksu, 2017). Also, Karakayacı (2016) found that the land was fertile, it had accessible irrigation opportunities and land market, the land was close to the road, and the land was close to the city center, increased value of the land.

Table 8. Information about the characteristics of the lands sold

	Yes	%	No	%	Total	%
Being a corner parcel	24	20.00	96	80.00	120	100.0
Neighbor to the buyer	64	53.33	56	46.67	120	100.0
Possibility of irrigation	67	55.83	53	44.17	120	100.0
Having a detached title deed	97	80.83	23	19.17	120	100.0
Land shape being smooth	97	80.83	23	19.17	120	100.0
The immigrant village has land	94	78.33	26	21.67	120	100.0
Being the land of the village under consolidation	67	55.83	53	44.17	120	100.0
Being the land of the expropriated village	9	7.50	111	92.50	120	100.0
Being close to the industrial facility	6	5.00	114	95.00	120	100.0

The sale of agricultural land was carried out within free market rules. Only the state has imposed restrictions on the division of agricultural lands under the determined scales of the new land law, and the state has been given the task of mediation between the land sellers and buyers if requested. There is no developed institutional structure for land sales and leases. The research results show that while 75.00% of agricultural lands were sold through familiar relatives and friends, 10.00% of them were advertised and sold through real estate offices (Table 9).

Table 9. Advertisement methods of those who want to sell agricultural land

	n	%
Via real estate agents	12	10.00
Internet	1	0.84
Through those who buy land in the village- in the district	7	5.83
Through the headman	10	8.33
Through familiar friends and relatives	90	75.00

Total	**120**	**100.00**

According to the research results, while 66.66% of the lands were sold in cash, 27.50% of remaining lands were paid in cash and the rest were paid in installments (Table 10).

Table 10. Methods of payment of the land price of the buyer to the seller at the end of the sale

	n	**%**
Payment in installments through the bank	2	1.67
Some in cash, the other in installments	33	27.50
All in cash	80	66.66
Payment to the creditor in return for debt	5	4.17
Total	**120**	**100.00**

While 90.40% of the farmers who think that there was a problem with the new land law stated that there was a problem in the inherited land, this rate was 68.40% and 60.00% for those who have no idea about the new land law and those who think that the law is good, but its implementation was not sufficient (Table 11.).

Table 11. Information about the opinions of the farmers about the new land law and the problem of the land transferred by inheritance

Opinion/ Problem	**Yes**		**No**		**Total**	
	n	%	n	%	n	%
No idea	26	68.40	12	31.60	38	100.00
Good but not enough	18	60.00	12	40.00	30	100.00
Not good	47	90.40	5	9.60	52	100.00
χ^2 = 11.251 p value=0.004 (<0.05)						

4. CONCLUSION

This research reveals the socio-economic structures of land sellers and buyers, who are important actors in the agricultural land market in the country, the factors affecting the prices of agricultural lands, sales processes, the role of intermediaries and access to finance. This study presents valuable results, such as the current problems for the land market and the new land law assessment.

This study concluded that there was a significant relationship between the farmers' 'interest in agricultural activities, the duration of the farmers' experience, the education status of the farmers and their non-agricultural income status, and the status of being a land seller or buyer. This relationship supports that farmers who are actively involved in agricultural production are important actors of the land purchase and sale market. It will be beneficial to take into account the opinions of the farmers in this group in the studies to be carried out on the land market.

The fact that the farmers sold their lands for reasons such as establishing anot-

her farm, migrating from the village and earning a low income may be an indication of the decrease in agricultural production, migration from rural to urban areas and increasing rural poverty. However, most of the land buyers aimed to expand their farms. This result can be interpreted as a sign that agricultural production in the region is shifting from small family farmers to larger farmers.

The fact that most of the farmers made land sales announcements through their relatives and friends shows that there is no developed system for the sale of land in rural areas. For a stronger agricultural land market, there is a need to establish an organization that will serve in areas such as land development, land valuation, land sales and lease, and access to financial resources.

The research results show that new land laws are not sufficient and work on a voluntary basis. Incentives and penal sanctions are not sufficient. Therefore, a legal regulation should be made to eliminate the deficiencies. Priority should be given to working with international institutions, and financial models such as "Heritage Loan" and "Land Acquisition Loan" should be developed by examining developed country practices in this regard.

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