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## Land consolidation from a comparative perspective: Legal inspirations for Slovakia

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Land consolidation is a legal instrument for the adjustment of land ownership, present in various forms across many countries in Europe. Land ownership, by its very nature, constitutes a prerequisite for the performance of numerous human activities, including agricultural production, forestry, and, in certain cases, development in built-up municipal areas. However, due to its shape, fragmentation within the landscape, and the frequent presence of multiple co-ownership shares, such ownership often fails to effectively serve its intended purposes. This article therefore focuses on describing and comparing selected foreign legal frameworks for land consolidation and explores the potential for applying inspiring solutions within the legislative system of the Slovak Republic.

**Keywords:** land consolidation, comparative law, legal inspirations

### Introduction

Contemporary Slovak society continues to face numerous challenges related to land use efficiency. Even today, the right to use land often holds more practical importance than the right of ownership itself. There is a growing need for

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the implementation of land consolidation, which serves not only as a tool for merging fragmented land ownership but also as an instrument of landscape planning. Since land constitutes a key precondition for carbon sequestration, land consolidation may also contribute to mitigating climate change.<sup>1</sup> In order to make this possible, it is often necessary to draw inspiration from foreign legal regulations, particularly from countries with more extensive experience in land consolidation.

The aim of this article is therefore to highlight facts that could serve as an inspiration for the Slovak legislator in the process of adopting a new Act on Land Consolidation, or in the substantial amendment of Act No. 330/1991 Coll. on land consolidation, land ownership arrangement, land offices, the land fund and land associations, as amended (hereinafter: Land Consolidation Act). The subject of this article is the comparison of the Slovak Republic with its neighbouring countries, namely the Czech Republic, Hungary, Poland, Austria, and Ukraine, as well as with the countries that to the greatest extent influence policy within the European Union: Federal Republic of Germany and France. In addition, we will discuss a potential legislative inspiration coming from another European country, Georgia.

The research question we have formulated to achieve the stated aim is as follows: Is it possible to apply certain models of land consolidation implemented in other European countries also in Slovakia?

## **The Czech model, or unity in diversity**

Land consolidation in the Czech Republic in many respects resembles the proceedings in Slovakia. The currently enforceable Czech legislation is Act No. 139/2002 Coll. on Land Consolidation and Land Offices, as amended. It is partly due to the fact that it is also a public-law application process within public administration, in which the competent authority of public administration decides on its implementation. The typology of land consolidation is likewise similar, that is, divided *ex lege* into comprehensive (carried out, in principle, across the entire cadastral area) and simple (carried out only within part of it).<sup>2</sup> As Vrabko notes, both legal systems view land consolidation as a means of addressing property injustices caused by the previous regime. However, in the Czech context, land fragmentation does not appear as pressing a historical

<sup>1</sup> M. Michalovič, L. Grešová, *Sekvestrácia uhlíka v polnohospodárskych pôdach – súčasný stav a možnosti ďalšieho rozvoja*, in: *Pôda v právnych vzťazích – aktuálne otázky*, (eds.) J. Tkáčiková, V. Vomáčka, D. Žídek et al., Masarykova univerzita, Brno 2020, p. 236.

<sup>2</sup> Section 4(1) of Act No. 139/2002 Coll. on Land Consolidation and Land Offices (Czech Republic).

residue as it does in Slovakia, where it represents a long-term and increasingly complex problem. Despite the efforts of legislators and the work of state authorities and public administration bodies, including state administration, land fragmentation in Slovakia is not improving.<sup>3</sup> In terms of structure, the Czech Act also resembles the Slovak one, although it should be emphasised that it is simpler. In other sections, however, it places greater emphasis on key concepts such as the public interest.<sup>4</sup>

A significant difference is the existence of a specialised public administration body with competence over land consolidation. The key distinction lies in the fact that in the Czech Republic, these are specialised local state administration bodies, whereas in Slovakia, it is the general local state administration, operating as part of the district offices. In Slovakia, land consolidation is handled by departments within the district offices, in the Czech Republic, it is carried out by branches of the State Land Office, referred to as Regional Land Offices. As for the scope of powers and competence, the Czech State Land Office has its authority clearly defined by the applicable legislation governing land consolidation. From the extent of its competence, it follows that the State Land Office also holds broader powers that extend beyond land consolidation and are not limited solely to the regulation contained in this Act.<sup>5</sup> This is an interesting situation also because these specialised state administration bodies carry out not only state administration tasks in the field of land affairs, but also act as administrators of state-owned land.<sup>6</sup>

Proceedings on land consolidation are a specific type of administrative proceeding that is initiated *ex officio* in the public interest. Based on the decision on the exchange or transfer of ownership rights, which constitutes an original mode of acquiring ownership, ownership of the original plot is terminated at a specific moment, and ownership of a newly created plot is simultaneously acquired. Similarly to Slovak legislation, this means that the original plots cease to exist, and ownership of the newly created plots is acquired by original title. Participants in land consolidation proceedings who disagreed with their implementation are granted the same legal protection as in the case of expropriation.<sup>7</sup>

In conclusion, it may be noted that in the case of the Czech Republic, land consolidation primarily aims at addressing certain partial deficiencies in

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<sup>3</sup> M. Vrabko, *Pozemkové úpravy v Českej republike*, in: *Pozemkové úpravy vo vybraných štátoch Európy*, (ed.) L. Máčaj, Wolters Kluwer, Bratislava 2022, p. 196.

<sup>4</sup> Section 2 of Act No. 139/2002 Coll. on Land Consolidation and Land Offices (Czech Republic).

<sup>5</sup> M. Vrabko, *Pozemkové úpravy v Českej republike...*, p. 196.

<sup>6</sup> M. Váňová, J. Sehnalová, M. Grauová, *Pozemkové úpravy jako aktivní nástroj ochrany přírody a krajiny*, in: *Analýzy a trendy v pozemkových úpravách*, (ed.) M. Pavlovič, Wolters Kluwer, Bratislava 2022, p. 74.

<sup>7</sup> Ibidem, p. 88.

land ownership and its use, it does not represent an attempt at a nationwide land reform, as is the case in the Slovak Republic.

## Poland and Hungary: Doing the same thing differently

However, land consolidation is not a phenomenon limited to the territory of the former Czechoslovakia. In the case of the Republic of Poland, the relevant legal framework is set out in the Act on Land Consolidation and Land Exchange. This Act governs three types of proceedings: land exchange, land consolidation, and supplementary consolidation proceedings/works. As noted by Michalovič, Nawrot and Iskra, the land consolidation process may be initiated on the basis of a joint request by a majority of landowners or by landowners who together hold most of the total land area. Alternatively, it may be initiated *ex officio* in specific circumstances. In any case, land consolidation proceedings are initiated by a decision of the head (starosta) of the district (starostwo) as the representative of the local self-government unit. The land consolidation project itself is prepared in ongoing consultation with a land surveyor: the consolidation project designer. The draft consolidation plan is then presented to the participants in the proceedings and marked out in the field, and even at this stage, objections may still be raised. Once the objections have been addressed, the final approval of the project is again issued by the starosta, provided that the majority of the participants have no objections.<sup>8</sup>

Janus and Markuszevska also note that the next phase involves the preparation of a reparation project. In general, the creation of the project is based on the principle of land equivalence for all participants before and after the consolidation. As a result, participants receive land that may differ by up to 3% in value and 20% in area compared to the original holdings. When the differences are more significant, landowners are provided with financial compensation. The implementation of the reparation project (the implementation stage) is carried out in two phases. The first phase, which concerns the consolidation and relocation of land parcels, is fully completed by the provincial offices for geodesy and agricultural areas. The second phase, which involves further development, is carried out under the supervision of the starosta (head of the district).<sup>9</sup> In the case of Poland, however, land consolidation does not have the same significance as it does in Slovakia or the Czech Republic, as it generally involves

<sup>8</sup> M. Michalovič, F. Nawrot, W. Iskra, *Pozemkové úpravy v Poľskej republike*, in: *Pozemkové úpravy vo vybraných štátach Európy*, (ed.) L. Máčaj, Wolters Kluwer, Bratislava 2022, p. 135.

<sup>9</sup> J. Janus, I. Markuszevska, *Land consolidation – A great need to improve effectiveness. A case study from Poland*, “Land Use Policy” 2017, vol. 65, pp. 143–153.

smaller-scale adjustments carried out primarily for the purpose of consolidating the exercise of use rights to individual plots of land, mainly for agricultural activity. One possible source of inspiration for Slovak lawmakers here may be the notable role and importance of local self-government in these proceedings, as the relevant municipalities act as the main decision-making authorities.

On the other hand, Slovakia and Hungary share a thousand years of common history, as well as many of the underlying causes of land ownership fragmentation. Within the legal community and in legal practice, the need to divide co-ownership shares in cases where co-ownership cannot be exercised effectively has long been emphasised. From the perspective of legal regulation, two key Hungarian legal acts must be mentioned. The first is Act No. LV of 1994 on Arable Land, and the second is Act No. II on Land Commissions. While the former provides a general legal framework for agricultural activity (which also leads to the need for land consolidation), the latter concerns the establishment of commissions tasked with responsibilities in the process of land consolidation. A relatively recent development is the adoption of Act No. LXXI of 2020 on the Elimination of Co-ownership, whose aim is to improve the competitiveness of Hungarian farmers on the agricultural market and to create effectively cultivable land for Hungarian farmers, which they can then use or acquire without administrative burden, thereby establishing a national property structure of optimal scale with transparent use and ownership relations.<sup>10</sup> In general, the Hungarian legal framework suffers from shortcomings due to the absence of a dedicated legal regulation in this area, as land consolidation in Hungary forms only part of broader and more complex legal acts. It should also be noted that Hungary has not carried out ownership investigations similar to the Slovak registers of renewed land records under Act No. 180/1995 Coll. on Certain Measures for the Arrangement of Land Ownership, as amended. This creates conditions for difficulties in identifying landowners. Land consolidation has long suffered from a lack of attention and political will, as noted by Hartvigsen in his study.<sup>11</sup>

In Hungary, land consolidation projects are implemented for the entire territory of a municipality, and the participants do not form an association, as is the case in Slovakia. On the other hand, the new legislation deserves to be acknowledged: in connection with the Act on the Elimination of Co-ownership, it can be stated that Hungary, through this new regulation, is attempting to address some of the problems associated with land fragmentation in the country.<sup>12</sup>

<sup>10</sup> L. Filagová, K. Slámková, *Pozemkové úpravy v Maďarsku*, in: *Pozemkové úpravy vo vybraných štátach Európy*, (ed.) L. Máčaj, Wolters Kluwer, Bratislava 2022, p. 11.

<sup>11</sup> M. B. Hartvigsen, *Experiences with Land Consolidation and Land Banking in Central and Eastern Europe after 1989*, Food and Agriculture Organization of the United Nations, Roma 2015, p. 58.

<sup>12</sup> L. Filagová, K. Slámková, *Pozemkové úpravy v Maďarsku...*, p. 28.

## Germany and Austria: Legal inspirations from beyond the western border

The legal history of the present-day Republic of Austria overlaps significantly with that of Slovakia. It was precisely during the period of the Habsburg monarchy that several similar legal institutions were introduced. Although the Habsburg Monarchy functioned as a single state, its Austrian and Hungarian parts maintained distinct legal systems. Only during Bach's absolutism was the Austrian (Cisleithanian) legal order temporarily imposed on the territory of the Kingdom of Hungary, introducing the system of land registers that later evolved into the modern cadastral. These were introduced by the Land Register Decree No. 222/1855 Imperial Law Gazette. And although the provisional judicial rules adopted at the Judexkuriel Conference (1861) largely reinstated the original Hungarian legal order, these changes were preserved.<sup>13</sup>

The development of rural areas in Austria has long been referred to under the term land reform. In the broadest sense, land reform refers to the reorganisation of land ownership and the conditions of its use in rural regions. In a narrower sense, land reform refers to the consolidation of land to achieve a better agricultural structure – that is, land consolidation or reallocation.<sup>14</sup>

The fundamental piece of legislation in the field of land consolidation in Austria is the Agricultural Procedure Act (Agrarverfahrensgesetz – AgrVG 1950, Federal Law Gazette 1950/173). This is a federal law that generally regulates procedural rules in administrative proceedings concerning agricultural matters. At the same time, it holds the status of *lex specialis*, that is, it is a specific legal regulation that governs a special type of administrative procedure in relation to the Act on General Administrative Procedure. Similarly to the Slovak Republic, it applies subsidiarily to this special legislation.<sup>15</sup>

The Austrian legal regulation of land consolidation closely resembles that of Slovakia, primarily because it also constitutes an administrative procedure. As noted by Srebalová, however, a key difference lies in the fact that in Austria land consolidation is regulated at the national level only by a framework law, while each federal province adopts its own specific procedural legislation.<sup>16</sup>

Although the Slovak Republic does not share a common legal history with the Federal Republic of Germany, several parallels can also be found in the German context. Land consolidation in Germany is governed by the Land

<sup>13</sup> T. Gábris, *Dočasné súdne pravidlá judexkuriálnej konferencie z roku 1861. Monografická štúdia a historickoprávny komentár*, Wolters Kluwer, Bratislava 2014, p. 167.

<sup>14</sup> M. Srebalová, *Pozemkové úpravy v Rakúskej republike*, in: *Pozemkové úpravy vo vybraných štátach Európy*, (ed.) L. Máčaj, Wolters Kluwer, Bratislava 2022, p. 167.

<sup>15</sup> Ibidem, p. 171.

<sup>16</sup> Ibidem, p. 182.

Consolidation Act (Flurbereinigungsgesetz – FlurG) of 14 July 1953, which is a federal law applicable throughout the country. However, the Act confers several competences upon the individual federal states (Länder).

As Pavlovič notes, the reasons for initiating land consolidation are clearly outlined in § 37 FlurG, which governs the reorganisation of the land consolidation area and defines the basic precondition for land reallocation within the procedure. This precondition consists in respecting the relevant landscape structure, with an emphasis on the mutually compatible interests of the participants, the general interests of cultural landscape and regional development, and a particular focus on the public interest.

Finally, it is important to mention the existence of so-called land consolidation courts (Komassationsgerichte), which have subject-matter jurisdiction for judicial review of decisions issued in land consolidation proceedings.<sup>17</sup>

Of course, the practice of land consolidation is not ideal even in Germany. There are well documented cases in which certain special land consolidation procedures lasted as long as 16 to 17 years from their initiation to final completion.<sup>18</sup>

## Croatia and France as more distant European models

Based on the above-mentioned examples of countries with experience in land consolidation, one might gain the impression that land fragmentation and related issues are a kind of Central European specificity. However, this is not the case. As noted earlier in the text, the development of rural and agricultural landscapes inherently presupposes the need for changes in land ownership structures.

In the Republic of Croatia, land consolidation is regulated by the relatively newly adopted Act on the Consolidation of Agricultural Land (Official Gazette 46/22), which has been in force since 23 April 2022. This regulation governs several types of land-related proceedings. In addition to land consolidation (Croat *komasacija*), it includes the consolidation of forests and forest land (subject to government approval), and the exchange of state-owned agricultural land located outside production-technological units used for agricultural purposes for land owned by natural or legal persons.<sup>19</sup>

A common feature of land consolidation in both the Slovak Republic and the Republic of Croatia is that it constitutes a procedure within the public

<sup>17</sup> M. Pavlovič, *Pozemkové úpravy v Nemeckej spolkovej republike*, in: *Pozemkové úpravy vo vybraných štátoch Európy*, (ed.) L. Máčaj, Wolters Kluwer, Bratislava 2022, p. 147.

<sup>18</sup> A. Vitikainen, *An Overview of Land Consolidation in Europe*, “Nordic Journal of Surveying and Real Estate Research” 2004, vol. 1, no. 1, p. 38.

<sup>19</sup> A. Martvoň, *Pozemkové úpravy v Chorvátskej republike*, in: *Pozemkové úpravy vo vybraných štátoch Európy*, (ed.) L. Máčaj, Wolters Kluwer, Bratislava 2022, p. 91.

administration. However, in Croatia, the role of local self-government is significantly more prominent, as the competent authority may be not only a state body, but also a local government authority.<sup>20</sup>

Another significant feature of land consolidation as carried out under the legal framework of the Republic of Croatia is the effort to achieve a comprehensive reorganisation of land ownership within the land consolidation area, which may also manifest in a certain long-term stability of the consolidated area's structure. Following the completion of land consolidation, it is prohibited to carry out geometric subdivision of consolidated parcels for a period of up to 99 years from the date on which the consolidation decision becomes final and binding.<sup>21</sup>

The completion of land consolidation in the Republic of Croatia may also affect the very substance of property rights to real estate. For example, within these proceedings, the relocation or demolition of a simple structure, residential building, or agricultural facility may be ordered, including the removal of vegetation. In such cases, the owner is entitled to compensation for the relocation, demolition, or removal. This represents a form of expropriation of structures for the purposes of land consolidation.<sup>22</sup>

The legal situation in the French Republic differs even more significantly from Central European models. Modern legislation in the area of land consolidation in France is primarily associated with the *Code rural*, today referred to as the *Ancien Code rural* (1955), which has since been replaced by the *Code rural et de la pêche maritime* (Rural and Maritime Fishing Code). This legal code, however, regulates not only land consolidation but also many other matters related to agricultural production, such as public veterinary health, agricultural land use, agricultural land leases, social protection for farmers, and many others.

The decision-making processes that can be classified under land consolidation within the meaning of the said Code are generally divided into three basic categories:

- a) Aménagement foncier agricole et forestier (AFAF) – agricultural and forestry land consolidation.
- b) Les échanges et cessions amiables d'immeubles ruraux (ECIR) – exchanges and amicable transfers of rural real estate.<sup>23</sup>
- c) La mise en valeur des terres incultes et la protection des boisements – the development of uncultivated land and the protection of woodlands.

<sup>20</sup> Ibidem, p. 94.

<sup>21</sup> Article 12 of the Act on Consolidation of Agricultural Land, Official Gazette (Narodne novine) No. 46/2022 (Croatia).

<sup>22</sup> A. Martvoň, *Pozemkové úpravy v Chorvátskej republike...*, p. 116.

<sup>23</sup> *Land Consolidation Projects in France. Are property rights preserved or guaranteed?*, 8 May 2007, <https://www.oicrf.org/-/land-consolidation-projects-in-france-are-property-rights-preserved-and-guaranteed-> [accessed 8 June 2025].

In what follows, we will consider only the first of these categories as corresponding to the concept of land consolidation for the purposes of this article.<sup>24</sup>

The authority responsible for deciding on the initiation of land consolidation is the Departmental Council (*conseil départemental*). For ordinary land consolidation procedures, a request by the municipality is required. The Code even allows for a joint application by several municipalities, in cases where the land consolidation area extends across the territories of multiple communes. If the Departmental Council reaches a positive conclusion and approves the land consolidation, it establishes a communal land consolidation commission (hereinafter: communal commission) as a special ad-hoc body responsible for carrying out land consolidation in the given area.

It is important to highlight that the land consolidation commission is a private-law entity, not a public authority. Despite the state's supervisory role (through the approval by the Departmental Council), land consolidation in France retains a private-law character, even in the activities of the communal commission itself. Public-law intervention appears again only at the end of the process, when the final implementation of land consolidation is ordered by the Departmental Council.

In conclusion, when comparing the legal frameworks of land consolidation in the French Republic and the Slovak Republic, the main differences lie in the perceived necessity. The territory of Slovakia, due to the complexity of land ownership records, represents a challenging area with a clear need for widespread land consolidation. Although France also faces issues related to fragmented ownership of agricultural and forest land, land consolidation there is not an urgent or centrally coordinated process throughout the entire country. Rather, it is a locally driven process, requiring greater initiative on the part of municipalities and other concerned subjects.

## **Ukraine and Georgia: Is land fragmentation a new phenomenon?**

For the final part of our comparison, we have chosen two countries whose history of land ownership differs significantly from that of the Slovak Republic.

In both cases, it must be noted that private ownership of land did not exist in the Soviet Union, of which both countries were a part. This fact led to the long-term distortion of the land market and had a significant impact on the development of agricultural production. Therefore, even after 1990, when the former Soviet republics began transitioning to new socio-political systems, land fragmentation

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<sup>24</sup> L. Máčaj, *Pozemkové úpravy vo Francúzskej republike*, in: *Pozemkové úpravy vo vybraných štátoch Európy*, (ed.) L. Máčaj, Wolters Kluwer, Bratislava 2022, p. 72.

was not an issue.<sup>25</sup> However, it became necessary for each state to adopt appropriate measures to prevent the emergence of such fragmentation in the future.

As noted by Golovko and Vashchenko, in this context, under the Resolution of the Verkhovna Rada of Ukraine of 18 December 1990 “On Land Reform”, the entire land fund of Ukraine was declared, as of 15 March 1991, to be subject to land reform. This reform provided for the introduction of various forms of land ownership and the recognition of landowners’ rights to decide how to dispose of their land.<sup>26</sup>

Today, the most important legal instruments in land law in Ukraine are found primarily in the Land Code of Ukraine, but also in other legal acts, such as the Law of Ukraine “On Land Management” and the Law of Ukraine “On the State Land Cadastre”.

Nevertheless, the fragmentation of agricultural land ownership has become a current problem in Ukraine as well, arising due to land privatisation and the absence of instruments necessary to prevent subdivision. Unfortunately, current legislation does not offer sufficiently effective tools to address this fragmentation, as there is no equivalent to Slovakia’s land consolidation process.

As Golovko and Vashchenko further state, in accordance with Part 8 of Article 37-1 of the Land Code of Ukraine, it is possible, during the process of land consolidation, to modify the boundaries of plots located in the agricultural land fund, under the conditions and in the manner prescribed by law.<sup>27</sup>

A specific form of land consolidation relates to the leasing of agricultural land, where Article 8-2 of the Ukrainian Law “On Land Lease” provides for certain exchanges and sublease agreements between landowners and land users during the lease term. However, this is not land consolidation of ownership in the true sense of the term.

Nonetheless, new land legislation creates a framework for the future implementation of land consolidation in the proper sense, including the physical and legal amalgamation of land ownership in Ukraine. For the time being, however, legal practice remains focused primarily on regulating lease relationships, while any broader land reform efforts are significantly constrained by the current military and political situation.

As noted above, Georgia emerged from a similar legal situation. As in Ukraine, and throughout the entire Soviet Union, private ownership of land was prohibited, and agricultural land was managed by kolkhozes (collective farms).

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<sup>25</sup> C. Osakwe, *General principles of Soviet land law: Ownership and use of land in the Soviet Union*, “Acta Juridica” 1985, p. 147.

<sup>26</sup> L. Golovko, Y. Vashchenko, *Právne základy hospodárenia s pôdou na Ukrajine*, in: *Pozemkové úpravy vo vybraných štátach Európy*, (ed.) Ľ. Máčaj, Wolters Kluwer, Bratislava 2022, p. 33.

<sup>27</sup> Ibidem, p. 59.

The then-Georgian government sought to address the deficiencies and problems caused by state ownership of land through the privatisation of land ownership.

Unlike in Ukraine, this was implemented through a state-directed system, whereby land was primarily allocated to former members of collective farms. As Merebashvili notes, a citizen of Georgia who had formerly worked in Soviet agriculture was granted 1.25 hectares of land. However, in certain geographic units, the size of the allocated plot could be as small as 0.75 or even 0.25 hectares. The problems caused by land scarcity were further exacerbated by the fact that these allocations were fragmented, with land typically being divided into 4–5 separate plots, one of which was usually intended for the construction of a family house.<sup>28</sup>

Current Georgian legislation does not provide for a specific decision-making process that would enable land consolidation as a means of merging ownership. The Law on the Ownership of Agricultural Land sets out preventive measures against fragmentation and irrational land use, that is, certain legal rules aimed at limiting further subdivision of land ownership.

In conclusion, as a result of the privatisation process, land parcels in Georgia are often of unsuitable size, which has hindered agricultural activity and affected the private legal interests of landowners, who are frequently unable to use their land for its original, intended purpose. This, in turn, also undermines the public interest.<sup>29</sup> The introduction of a land consolidation process would have the potential to address and improve this situation.

## Conclusions

As stated at the beginning of this text, land consolidation is a significant phenomenon present in the legislation of several countries around the world. Using the examples of selected European states, we have demonstrated that the issue of fragmented land ownership and the resulting need for consolidation is encountered in all countries included in this comparison.

Naturally, the reasons for carrying out land consolidation vary. In some countries (such as in Slovakia or Hungary), land fragmentation has historical roots; in others, it results from the consequences of land privatisation (e.g. in Ukraine and Georgia); but most commonly, it is driven by the need to properly organise land ownership for the purposes of agricultural production (as in

<sup>28</sup> T. Merebashvili, *Comparative Legal Context of Land Consolidation in Georgia*, “European Scientific Journal” 2024, vol. 20, no. 37, p. 354.

<sup>29</sup> *Ibidem*, p. 360.

France, Germany, Croatia, Austria, and to some extent also Poland and the Czech Republic).

Even in the case of developed Western European countries, we can observe that land consolidation represents an enduring need. Agricultural activity in each territory, over time, will almost inevitably come into conflict with existing property structures. Thus, even an ownership structure established through a completed consolidation process does not guarantee that further fragmentation will not occur. We can observe this in Ukraine and Georgia, where countries that initially did not face issues with land fragmentation, due to the previous state ownership of land under the Soviet regime, developed such problems within a few decades.

This leads us to the conclusion that perhaps an even greater need than land consolidation itself lies in the introduction of effective anti-fragmentation measures. In this respect, the legal framework of the French Republic may serve as an example, where various legal instruments concerning rural life and agricultural activity are brought together in a single codification. A stronger integration of legal instruments could be a valuable source of inspiration for the Slovak legislator.

At the beginning of this article, we formulated a research question: Is it possible to apply certain models of land consolidation implemented in other European countries to Slovakia? As a response, we may conclude that the methods of land consolidation in various European countries reflect the specific problems and needs of those countries. Each state has its own distinct circumstances. Although the Czech model bears the greatest resemblance to the Slovak approach, its transferability remains limited due to differing institutional and legal contexts.

Nevertheless, many of the legal instruments highlighted in this study could serve as valuable inspiration for the Slovak legislator, particularly in the drafting of a new Land Consolidation Act, or in the substantial revision of the current legislation.

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Ludovít Máčaj

## **Scalenia gruntów w ujęciu porównawczym: inspiracje prawne dla Słowacji**

### **Streszczenie**

Scalanie gruntów stanowi instrument prawny służący korekcie struktury własności nieruchomości gruntowych, który występuje w różnych formach w wielu państwach Europy. Własność gruntów z samej istoty jest przesłanką realizacji licznych form aktywności ludzkiej, obejmujących produkcję rolną, gospodarkę leśną, a w niektórych przypadkach także rozwój terenów zabudowanych na obszarach miejskich. Jednak ze względu na kształt działek, ich rozdrobnienie oraz częste występowanie wielości udziałów we wspólwłości nierzadko nie może skutecznie realizować swoich funkcji. Autor artykułu koncentruje się zatem na opisaniu i porównaniu wybranych zagranicznych regulacji prawnych dotyczących scalania gruntów oraz na analizie możliwości implementacji inspirujących rozwiązań w systemie prawnym Republiki Słowackiej.

**Słowa kluczowe:** scalanie gruntów, prawo porównawcze, inspiracje legislacyjne

Людовит Мачай

## **Объединение земельных участков в сравнительной перспективе: правовые инициативы для Словакии**

### **Резюме**

Объединение земельных участков – это правовой инструмент корректировки структуры собственности на землю, существующий в различных формах во многих европейских странах. По своей сути право собственности на землю является необходимым условием для многочисленных видов деятельности человека, включая сельскохозяйственное производство, лесное хозяйство и, в некоторых случаях, развитие застроенных территорий городов. Однако из-за формы участков, их дробления и частого наличия нескольких долей в общей собственности оно часто не может эффективно выполнять свои функции. Поэтому автор статьи сосредоточивается на описании и сравнении отдельных зарубежных правовых норм, регулирующих объединение земельных участков, и анализе возможностей внедрения перспективных решений в правовую систему Словацкой Республики.

**Ключевые слова:** объединение земельных участков, сравнительное правоведение, законодательный пример

Ludovít Máčaj

## **La ricomposizione fondiaria in una prospettiva comparativa: spunti giuridici per la Slovacchia**

### Sommario

La ricomposizione fondiaria è uno strumento giuridico che serve a correggere la struttura della proprietà dei terreni e che esiste in varie forme in molti paesi europei. La proprietà fondiaria è, per sua stessa natura, presupposto per lo svolgimento di numerose attività umane, tra cui la produzione agricola, la silvicoltura e, in alcuni casi, anche lo sviluppo di aree edificate in zone urbane. Tuttavia, a causa della forma dei terreni, della loro frammentazione e della frequente presenza di molteplici quote di comproprietà, spesso non è possibile svolgere efficacemente le proprie funzioni. L'autore dell'articolo si concentra quindi sulla descrizione e sul confronto di alcune normative estere in materia di ricomposizione fondiaria e sull'analisi della possibilità di attuare soluzioni stimolanti nel sistema giuridico della Repubblica Slovacca.

Parole chiave: ricomposizione fondiaria, diritto comparato, ispirazioni legislative