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Legal regulation of investments in agriculture

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Annotation. The article deals with current problems of legal regulation of investment relations in the agricultural sector of the national economy, including leasing of agricultural machinery, agricultural territories with a special regime of business activity, as well as issues of regulation of digitalization of the agro-industrial complex.

Keywords: investments, agro-industrial complex, investments in agriculture, leasing of agricultural machinery, legal regulation of investments, digitalization of agriculture.

The domestic agro-industrial complex, despite all the difficulties, has gained high rates of development in recent years [1]. Developed agriculture not only provides food to the country's population, which in itself plays a huge role in the economic and social development of the state and its defense capability, but also creates jobs in other sectors of the national economy, such as transport, production, wholesale and retail trade [2]. Thus, agriculture is the basis for the successful development of other sectors of the national economy.

The sanctions policy of foreign countries that has not stopped in recent years makes it even more necessary to further develop Russia's agriculture in order to avoid dependence on other countries in providing basic products in the event of a food embargo. Given that a fairly large part of our country lies in areas that are not very suitable for the widespread development of traditional agriculture (mountainous and wetlands, forests, permafrost), the issue of developing and improving the agro-industrial complex becomes even more urgent.

The vast majority of agricultural enterprises are located at a sufficient distance from the largest cities: Moscow and St. Petersburg. The development of agriculture will contribute to the economic growth of such agricultural regions and the creation of new high-paying jobs, which, in turn, will help reduce the outflow of population from these regions to megacities.

Thus, the further development of agriculture is one of the key tasks of our state. The most important component of the successful functioning of the agro-industrial complex is the availability of long-term and reliable investors, for which the conditions for investing in agriculture must be attractive and transparent.

However, there are still a number of unresolved issues related to the legal regulation of investment in agriculture.

In accordance with the food security Doctrine of the Russian Federation, the decline in the investment attractiveness of domestic agriculture and fisheries is a threat to Russia's food security. To reduce such risks in the field of agricultural production, it is necessary to optimize inter-industry relations as quickly as possible, which will stimulate an increase in the rate of expanded reproduction, as well as to attract investment in agriculture [3].

Agricultural activity, being one of the types of business activity, is subject to state regulation as one of the elements of legal state influence on the country's economy [4, p. 151].

At the same time, it is necessary to take into account the fact that the agricultural sector is more risky in terms of investment compared to other sectors of the economy [5, p.174]. The peculiarity of agriculture is based on the specific conditions of economic activity, which largely depends on natural processes that can not always be influenced by humans. These additional risks of investing in agriculture primarily include the possibility of diseases of crops or animals, as well as the risk of crop decline due to natural events, such as drought, or Vice versa, flooding. In addition, it is in agriculture that a situation may arise when a good harvest leads to a decrease in the price of goods on the General market and instead of profit, agro-industrial companies suffer losses. These risks negatively affect the investment attractiveness of the industry. Thus, according to scientists, agribusiness is not able to successfully develop without significant public investment, while the efficiency of this support increases significantly with the growth of investment in fixed capital companies [6, p. 43].

L. V. Tyu identifies two main directions of state policy in the regulation of investment activity in agriculture: the creation of favorable conditions for investments and the direct involvement of the state in investment activities [7, pp. 22-23].

The scientist refers to the creation of General favorable conditions for investment in agriculture:

- improvement of the legal framework for the purpose of legal protection of investors;
- changing the mechanism for calculating depreciation in order to create sufficient funds for agricultural producers for the current reproduction of fixed assets;
- providing investors with additional tax and other benefits and preferences in order to increase sources of investment for agriculture;

- use of preferential lending to agricultural enterprises by subsidizing the credit rate in order to attract commercial banks;
- creation of guarantee and collateral funds in the regions to reduce investment risks;
- encouraging investment approaches to the production, storage, processing and sale of agricultural products in order to increase the investment attractiveness of the industry;
- stimulating the growth of enterprises with foreign capital in order to attract foreign investment;
- price regulation through antitrust legislation to maintain a reasonable balance between product prices and production and sales costs;
- formation of a modern market infrastructure in order to attract the population to participate in agricultural investment;
- organization of agricultural information centers to improve data exchange between participants in investment activities.

Direct participation of the state in investments in agriculture is represented by the following areas:

- preparation and financial support of investment programs aimed at combining Federal and regional budget resources in the most important areas of the agro-industrial complex;
- allocation of budget funds for financing agricultural enterprises through returnable and urgent investments in order to improve the modern technological base of the agro-industrial complex;
- providing guarantees from the state and local authorities in order to reduce investment risks;
- improvement of the mechanism for leasing agricultural machinery in order to supply agricultural producers with modern fixed assets;
- implementation of scientific research, as well as training and retraining of professional personnel to implement the latest achievements of science and technology in the agricultural sector of the economy;
- ensuring the social development of agricultural regions in order to create decent living conditions, as well as reduce the outflow of the working-age population to other regions.
- cost compensation for the introduction of energy-saving technologies at enterprises in order to reduce the impact of agricultural activities on climate change.

Many scientists are currently paying attention to the improvement of leasing mechanisms as one of the ways to solve the problem of investment in agriculture. Indeed, according to V. V. Telegin, Chairman of the Council of the Association of peasant (farmer) and agricultural cooperatives of Russia, more than 60% of equipment in agricultural enterprises has long been outdated [8].

The total volume of investment in the modernization of fixed assets has been declining in recent years, while the amount of investment in agricultural machinery has decreased the most [9].

One of the ways to solve this problem is to improve the mechanism of leasing agricultural products. At the same time, the proposal on the normative consolidation of provisions on the network of machine-tractor stations for the repair of agricultural machinery is questionable [10, p.121]. This issue is, in our opinion, exclusively in the commercial sphere, and its regulation by regulatory acts seems superfluous. If the question of the emergence of such stations becomes real, organizations specializing in the supply and repair of agricultural machinery will immediately pay attention to it.

Another way to attract investment in remote agricultural areas is to create territories of advanced socio-economic development (hereinafter-top), an example of which is the creation of such territories in the far East.

However, according to some scientists, when creating agricultural clusters in the far East, a number of features of this region were not taken into account, primarily related to the increased labor intensity of agricultural activities [11].

According to A. P. Alekseenko to increase the investment attractiveness of the agricultural sector in the far East it is necessary to provide the possibility of obtaining resident status TOR small rural producers, applying a single agricultural tax (currently individuals and organizations who use special tax regimes, may not use the tax privileges provided for residents of TOR) to reduce or cancel this tax and to simplify the situation for foreign investors [12].

The work of S. O. Veselov, A. I. Artemov and S. V. Gorodnichev is devoted to the cluster approach in the agricultural sector on the example of the Tula region, in which the authors justify the advantages of this approach on the example of the TOP in the area of the city of Belev [13]. Dagestan also has high expectations for attracting investment in connection with the creation of agricultural territories of advanced social development [14].

Due to the active development of digital technologies in various sectors of the national economy, the issue of their use in agriculture is being actively discussed. Currently, digital technologies are being actively implemented in agriculture. So, in agriculture, we can distinguish the following areas of use of such technologies:

- the setting of boundaries of agricultural lands with the use of digital satellite navigation;

- electronic yield planning;
- calculation of fertilizer application taking into account modern computers;
- monitoring of crops;
- the use of unmanned aerial vehicles for monitoring of agricultural land;
- organization of an electronic irrigation system with Central control, etc.

Digital technologies have an equally important role to play in other areas of agriculture: crop production, animal husbandry, fishing, etc.

Most of the financial burden of digitalization of agriculture falls on the enterprises of the agro-industrial complex, and it will be quite difficult to solve these issues without serious investment. In addition to private investment, comprehensive state support is needed.

In legal science, there is an opinion that today there is a need to make changes to the documents of strategic planning in the agricultural sector in terms of reflecting the need for the introduction of digital technologies and the General digitalization of the industry [15].

According to scientists, digitalization of agriculture will have a positive impact on the movement of products from the manufacturer to the end user, will help reduce the trade mark-up due to the reduction of the number of unnecessary intermediaries, will improve the manageability of the industry, and will also help reduce climate change [16].

In order to determine the directions of the state agri-food policy, a comprehensive law defining the state's policy in the agricultural sector, the Federal law "on the development of agriculture", was adopted in 2006.

At present, there is a need to make certain changes to this law aimed, among other things, at improving the competitiveness of the Russian agro-industrial complex, improving the favorable investment climate and increasing investment in the agricultural sector. The state Duma is considering a draft law on the creation of a Federal state information system for the traceability of grain and its processed products. This system is designed to track the entire grain cycle from sowing to release into circulation, which, according to the authors of the bill, will help reduce the illegal turnover of grain, the quality of its processed products, as well as increase investment in this area of agriculture [17]. It is assumed that advanced digital technologies will be widely used in the creation of this system.

Despite the severity of the sanctions imposed on Russia by Western countries, a timely system of linked agricultural structures successfully resists external threats to food security. An important role in this is played by the adopted and timely corrected normative legal acts in the sphere of the entire agro-industrial complex [18, p. 78].

At the same time, we note that in countries with developed agriculture, the state, science and higher education are much more involved in the process of innovative development of the considered branch of the national economy [19].

When addressing issues of attracting investment in agriculture, it is necessary to take into account that such relations are regulated by dispositive and imperative norms of law [20, p. 280], i.e. they have both public and private beginnings [21].

Thus, at present, the most relevant issues of legal regulation of investments in agriculture are amendments to existing regulations in order to create favorable and transparent conditions for potential investors. First of all, this concerns further improvement of the mechanism for leasing agricultural machinery, making

changes to regulations on top, as well as legislative consolidation of the need for digitalization of the agricultural industry.

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