

The Situation of Management of Public Land Fund in Yen Khanh District, Ninh Binh Province of Vietnam

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Abstract: In this study, we evaluate the advantages, limitations, and causes of public land fund management in Yen Khanh district, and we propose solutions for improving public land fund management. At the People's Committee of the district of Yen Khanh, secondary data are collected. Primary data are collected from 120 households renting public land and 44 cadres and civil servants. Evaluation criteria include the publicity of land use planning; the size and length of the land lease; the lease procedures; human resources, facilities, and the sense of law observance by the land tenants, etc. By 2021, public land has 495.40 ha, leased to 1958 households 422.67 ha, accounting for 82.62 % of the total area of land. There is a land lease term of 1 to 3 years, and the collected land rent is 2578,287 million VND. According to 84.09 % of the total number of officials, tenants abide by the land law well, while 15.91 % say that the people do not abide by the law. Officials believe that human resources meet the job requirements 64.9% of the time, but 34.9% don't. Among the solutions proposed are completing the land lease; promoting land law dissemination; inspecting, examining, and sanctioning administrative violations; and strengthening human resources for land management.

Keywords: Land encroachment, land lease, public land fund, Yen Khanh.

I. INTRODUCTION

According to Article 132 of the 2013 Land Law of Vietnam, the public land fund with the full name "agricultural land fund used for public purposes" is an area of agricultural land established and managed by a commune, ward, or township. The public land fund is used for local public purposes and its area is not more than 5% of the total area of land for growing annual crops, perennial crops, and aquaculture land of communes, wards, and townships. The public land fund is used to meet the needs of the construction of cultural, physical training and sports facilities, health care, public entertainment, cemeteries, graveyards, and other works of communes, wards, and townships; and it is leased when not in use to collect land rent for public purposes of communes, wards and townships [3].

To date, there have been several studies on the public land fund and have pointed out the shortcomings in the management of this land fund. According to Ngo [4], leasing public land funds and managing public land funds has not been leased, there are limitations such as leasing land without authorization, leasing land without auction of land use rights, land lease without a contract. According to research by Le [2],

many parcels of land belonging to the public land fund that has not been leased have been encroached on, occupying part, or the whole area. In addition, many public land parcels used for improper purposes are illegally rented or transferred [5], [2]. Many parcels of public land interspersed in residential areas are still abandoned due to small areas, which are scattered, difficult to use, or inefficient [2], [6].

By the end of December 31, 2021, Yen Khanh district of Ninh Binh province had 495.40 hectares of the public land fund, accounting for 5.27% of the total agricultural land area. Land leasing and management of public land that has not been leased, besides the advantages, there are still phenomena such as when the land lease term expires, many land tenants do not voluntarily return the land; an encroachment, occupation of public land; many unused public land plots, etc [1]. However, up to now, there has been no specific investigation and assessment to indicate the causes of these phenomena, so it is necessary to assess the status of public land fund management in Yen Khanh district to answer the questions: *What are the advantages, limitations, and causes of public land fund management in Yen Khanh district? What solutions should be taken to improve the management of public land funds in the coming time?*

II. RESEARCH METHODS

Research scope: The study focuses on assessing the situation of public land leasing and management of unleased public land in the period 2017-2021 in Yen Khanh district, Ninh Binh province.

Methods of data collection: Secondary data on natural, socio-economic conditions and land management, including public land fund management, are collected at functional departments and divisions of the People's Committee of Yen Khanh district. Primary data are collected through random, direct interviews with pre-printed questionnaires of households renting public land and all officials and civil servants directly related to the management of public land funds. The number of households responding to the survey is determined by the following formula (1):

$$n = N / (1 + N * e^2) \quad (1) \quad [7]$$

Where: n - number of households responding to the survey; N - number of households renting public land; e - allowable error (e = 5 - 15%).

In Yen Khanh district, in 2021, 1958 households are renting public land (Table 1), so with an error of 10% (the average value of the allowed error), the number of calculated households is 95.14. To increase the reliability of the evaluation results, the study investigates 120 households. To ensure representativeness of communes and towns, the total number of households is distributed to communes and townships according to the total number of households renting land as follows:

$$n_i = n \cdot N_i / N \quad (2)$$

Where: n_i - number of households at the i th commune administrative unit; n – total number of households ($n = 120$); N_i – total number of households renting land at i th commune; N – total number of households renting land in 2021 ($N = 1958$ households) [1].

The main survey contents for households renting public land include an assessment of the leased land area; the land lease term and the desired land lease term; procedures for applying for land lease; time limit for settlement of land lease dossiers; determination of land rent; land rental unit price, etc. The study also investigated all cadres and civil servants (44 people) directly involved in the management of the public land fund. Specifically, each commune and town surveyed 1 leader of the People's Committee and 1 cadastral official assigned to manage the public land fund. Currently, 19 communes and towns have public land funds, so the number of questionnaires is 38. In addition, the study also investigates 1 leader of the District People's Committee and 05 civil servants from the Department of Natural Resources and Environment who directly monitor public land fund management. The main contents of the investigation included comments on the interest of agencies at all levels in the management of the public land fund; professional qualifications of officials and civil servants; the number of cadres and civil servants; physical facilities to perform official duties; understanding and obeying the land law of public land tenants, etc.

Methods of processing, synthesis, analysis, and evaluation: Collected data were processed, synthesized, and analyzed using SPSS 20.0 software. Public land fund management status is assessed according to the following criteria in the main survey of households renting land and cadres and civil servants directly related to the management of public land funds in Yen Khanh district.

III. RESULTS AND DISCUSSION

Overview of the study area

Yen Khanh district has 19 communes and towns. By December 31, 2021, the total natural area of the district is 11,671.24 ha. Agricultural land has the largest area (6,201.59 ha), accounting for 53.14% of the total natural land area of the District; non-agricultural land has an area of 5,402.47 ha, accounting for 46.29% of the total natural land area of the District; unused land has the smallest area (67.18 ha), accounting for 0.57% of the total natural land area. The district has a population of 144,328 people, of which the urban population is 14,360 people, accounting for 9.95%; rural population 129,968 people, accounting for 90.05% [8].

The actual situation of public land fund management in Yen Khanh district

According to Table 1, in the period 2017-2021, the area of public land in Yen Khanh district decreased year by year, from 901.22 ha to 495.40 ha due to being acquired for the construction of technical infrastructure works, social infrastructure, and land compensation for some households whose agricultural land has been acquired. The area of leased land also decreased from 691.95 ha to 422.67 ha. The ratio of leased land area and the number of leased land plots also fluctuate from year to year due to changes in land area and the number of leased land plots. The total number of households renting land also decreased because public land was acquired for project implementation or allocated to households whose agricultural land was acquired, or because some households did not need to continue renting land.

Table 1. Changes in the public land fund in the period 2017-2021 [1]

Year	Total land area (ha)	Total Leased Areas		Total Plots	Total Leased Plots		Total Number of Households Renting Land
		Area (ha)	Percentage (%)		Number of Plots	Percentage (%)	
2021	495.40	422.67	85.32	3,092	2,908	94.05	1,958
2020	554.85	464.91	83.79	3,754	3,023	80.53	2,063
2019	593.69	488.66	82.31	3,986	3,698	92.77	2,310
2018	682.74	548.38	80.32	4,301	3,844	89.37	2,654
2017	901.22	691.95	76.78	4,552	4,029	88.51	3,503

The areas of communes and towns range from 7.46 ha to 44.08 ha. The area ratio ranges from 1.60% to 12.04% [1]. The main reason for this phenomenon is that in the past, the area of agricultural land for the public land fund was selected by the People's Committees of the communes according to each land plot and each area, but did not measure again to check the area.

The additional area was the area returned by households who did not need to use it. The average area of land plots in communes and towns also changed markedly from 565.49 m² to 4786.52 m² (8.46 times of difference). All land plots are leased without auction for 1 to 3 years of use in the form of annual rental payments. Households who rent land sign land

lease contracts directly with the commune-level People's Committees. The annual land rent also decreased from VND 4705.292 million in 2017 to VND 2578.287 million in 2021 due to a decrease in the leased land area [9].

During the 2017-2021 period, in Yen Khanh district, there were 11 times of inspections and examinations of land use management, including public land funds in Yen Khanh district. 27 complaints and denunciations have been resolved. Disputes were related to the boundary of leased public land. Chairman of the People's Committee of Yen Khanh district

signed a decision to sanction 09 cases of encroachment, encroachment on public land and made a record for 04 land tenants who did not return the land at the end of the land lease term. As well as the research of Le et al. [2]. The main cause of encroachment and dispute on land-use boundaries is due to the fragmented and scattered public land parcels in residential areas, so the inspection of the process The use of public land has not been given due attention by the locality. In particular, commune-level cadastral officials and village heads have not regularly inspected and supervised the management and use of the public land fund assigned for management [8].

Table 2. Land rent and public utilities in Yen Khanh district [9]

Year	Total Land Area (ha)	Leased Area (ha)	Total Number of Rented Plots	Total Number of Land Tenants	Total Rent (million VND)
2021	495.40	422.67	2908	1958	2578.2870
2020	554.85	464.91	3023	2063	3486.8035
2019	593.69	488.66	3698	2310	3518.3813
2018	682.74	548.38	3844	2654	3619.2891
2017	901.22	691.95	4029	3503	4705.2922

Opinions on the time and need to rent public land fund

The majority of households would like to lease land with a longer lease term. The percentage of households who would like to lease land longer than the current prescribed term (5 years) is the largest (51.67% of the total number of households). That's because they can have enough time to invest in production and recover capital and make a profit. 32.50% of the total households would like to rent land for a period of 3 to 5 years (Fig. 1). Regarding the land leased area according to Table 3, 76.67% of the total households need to rent more land because the currently rented area has not yet met production requirements. Only 5.83% of the total households think that the rented area is larger than the demand because they focus on off-farm work. The remaining 17.50% of the total households think that the current area is enough for production.

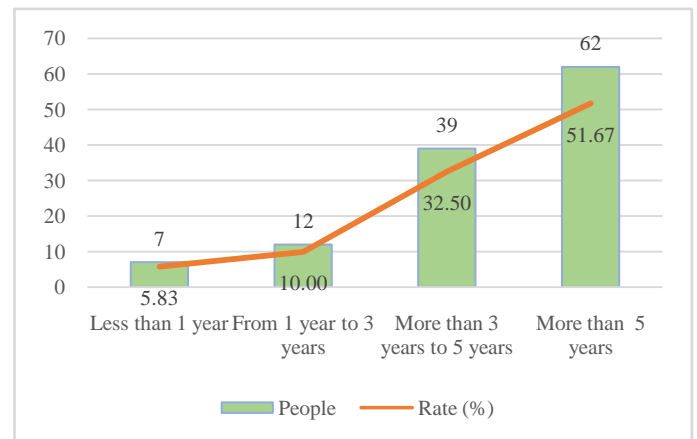


Fig. 1. Desired time chart to rent public land

According to 71.67% of the total surveyed households (Table 3), the average area of the public land plot is not suitable for high-efficiency mechanization because the land plot area is smaller than 0.70 ha, some plots only have an area of 0.03 ha. In addition, the location of the land plots is not suitable, scattered, and the traffic is not convenient according to the assessment of the vast majority of households (65.83% of the total number of households).

Table 3. Comments on the area and location of public land to be rented

Criteria	Number of people	Percentage (%)	Criteria	Number of people	Percentage (%)
<i>Total area</i>			Fit	34	28.33
Enough	21	17.50	Inappropriate	86	71.67
Short	92	76.67	<i>Position</i>		
Excess	07	5.83	Fit	41	34.17
<i>The average area of the land plot</i>			Inappropriate	79	65.83

Opinions on the procedures for leasing public land funds from households

According to the opinion of the vast majority of households (61.67% of the total respondents) in Table 4, the procedure to be followed when applying for a lease of land belonging to the public land fund of a commune or town is simple. The vast majority of respondents (55.83% of the total number of respondents) believe that the Commune People's Committee has followed the correct order of regulations on land leases. Regarding the determination of land rent, up to 70% of the total number of people do not know whether the land rent

calculation is correct or not, they only know that the Commune People's Committee reports the financial obligation and they pay it. Regarding the land rental unit price, the majority said that the land rental unit price was reasonable with an assessment rate of 51.67%, only 20% thought it is still high. The reason is that the respondents' perceptions of land prices are different and they often compare land prices in different locations without taking into account the advantages of each land plot. Therefore, many people think that the price of agricultural land must be the same in all locations and the percentage of the land unit price must also be the same.

Table 4. Opinions on procedures, time, land rent, public land rental unit price

Criteria	Number of people	Percentage (%)	Criteria	Number of people	Percentage (%)
Evaluation of the procedure for applying for land lease			Define the right rules	23	19.17
Simple	74	61.67	Improper determination	13	10.83
Complicated	46	38.33	Not sure, determine correct or not	84	70.00
Evaluation of sequence execution			Evaluation of land rental unit price		
Follow the rules properly	67	55.83	Reasonable	62	51.67
Failure to comply with regulations	53	44.17	High	24	20.00
Determination of land rent			Low	34	28.33

Opinions on the handling of violations of the law on public land funds

In the process of using the public land fund, there have been violations of the land law that have been handled and mainly encroachment and encroachment on public land of some households and individuals, but with a small percentage (9.17%) (Table 5). Similar to the research results of Ngo [3], in Yen Khanh district also happened encroachment, land occupation, construction on public land. Leasing the public land fund at present in the district is also not by the law because they are all leased without auction. Commune-level

People's Committees give priority to households currently using land to continue renting land when the lease term expires and want to continue renting. In case the land plots are returned due to the expiration of the contract, the commune-level People's Committees shall consider and approve the tenants according to several criteria, and do not conduct land auctions according to regulations. For households that violate the land law, warning penalties are mainly applied and households have strictly complied, only 1 case is fined in cash because the household intentionally converted it into farming land illegally.

Table 5. Opinions on the handling of violations of the law on public land funds

Criteria	Number of people	Percentage (%)	Criteria	Number of people	Percentage (%)
Encroaching, occupying the public land fund			Punished	4	36.36
Do not encroach or occupy	109	90.83	Comply with the decision on sanctioning administrative violations		
Encroachment	11	9.17	Executive	4	100.00
If they encroach or occupy, they will be administratively sanctioned			Non-compliance	0	0.00
No penalty	7	63.64			

Opinions about public land fund management officials and employees

Cadres and civil servants are professional, properly perform their assigned responsibilities, and do not harass when

handling land lease procedures (the rate of assessment is over 75% for each criterion) (Table 6.). However, there are still some households that believe that professional cadres and civil servants do not fulfill their responsibilities and harass at a rate less than 25%.

Table 6. Evaluation of cadres and civil servants in charge of public land fund management

Criteria	Number of people	Percentage (%)	Criteria	Number of people	Percentage (%)
Professionalism in solving work			Not doing the right job	29	24.17
Professionally	97	80.83	Harassment in dealing with work		
Unprofessional	23	19.17	Do not harass people	102	85.00
Perform assigned duties			Harassment with people	18	15.00
Do the right job	91	75.83			

Evaluation of officials on public land fund management

According to Table 7, 65.91% of the total survey respondents, the People's Committees of districts and the People's Committees of communes and townships are often interested in the management and use of the public land fund. Regarding the level of legal understanding of the land of public land tenants, according to officials and civil servants, up to 47.73%

of total cadres and civil servants believe that land tenants know the law on land use; only 27.27% said that land tenants did not understand the law on land lease, so they asked to be granted a certificate of land use right when renting land, some schools even asked for a reduction in land rent. This also makes land management difficult. The rest, 34.09% understood but incompletely.

Table 7. Assessment of superiors' concerns, knowledge, and violations of the law

Criteria	Number of people	Percentage (%)	Criteria	Number of people	Percentage (%)
The level of concern of superiors in the management of public land use			Yes	32	72.72
Constantly interested	29	65.91	No	12	27.28
Less interested	13	29.55	Forms of violation of the law related to public land		
Do not care	2	4.55	Encroachment on public land	31	70.45
Level of understanding of land law of public land users			Occupying public land	5	11.36
Knowledge	21	47.73	Use beyond the prescribed time limit	16	36.36
Little understanding	15	34.09	Misuse of leased	10	22.73
Lack of understanding	12	27.27	Unauthorized transfer	3	6.82
Voluntarily return the land when the land lease term expires and is not renewed or there is no need for an extension			Other	6	13.64

The biggest violations of land law by land tenants, according to officials, are when the land lease expires, but many households do not hand over the leased land to the commune-level People's Committee or carry out the procedures to get the leased land to continue (according to 72.72% of total respondents). The phenomenon of encroachment on public land also frequently occurs due to the scattered and interspersed public land in residential areas and poor land management as assessed by 70.45% of the total respondents. Land encroachment also occurs according to the assessment of 11.36% of the total number of cadres and civil servants. Misuse and illegal transfer of public land also occur. Some households voluntarily build production factories on leased public land, some households encroach on adjacent public land and build houses or transfer them to other people.

Regarding the human resources and facilities for the management and use of the public land fund in the study, according to the assessment of the majority of cadres and civil servants, the requirements have been met, but there is still a part of cadres and civil servants. cannot meet the requirements due to their expertise being far from land management expertise when rotating cadres, civil servants, or cadastral civil servants being rotated from one commune to another, so grasping the fund management Land also has limitations. Funding for the management and use of the public land fund, as assessed by 52.27% of the total number of cadres and civil servants, is still lacking and not timely, especially for cadastral officials in communes and townships (Table 8).

Table 8. Assessment of human resources, facilities, and funding for public land management

Criteria	Number of people	Percentage (%)	Criteria	Number of people	Percentage (%)
Human resources for public land fund management and use			Facilities for management and use of the public land fund		
Meet the requirements	29	65.91	Meet the requirements	32	72.73
Unable to meet the request	15	34.09	Unable to meet the request	12	27.27
If not, then because:			Funding for the management and use of the public land fund		
Lack of quantity	15	34.09	Meet the requirements	21	47.73
Lack of quality	13	29.55	Unable to meet the request	23	52.27

Solutions for effective management of the public land fund

Improving the efficiency of public land use: Small land plots should be combined (if possible) before leasing; Small plots of land that are difficult to rent out can be used for public works such as cultural, physical training and sports facilities, healthcare, public entertainment, etc, or used for compensating those whose agricultural land is recovered, or whose land use purpose is converted to residential land for auction of land use rights according to regulations (Government, 2020). The land plots that have been leased without an auction of land use rights, when the land lease term expires, an auction must be held to lease the land following the law (currently 100% of the area has been leased without auction. land use right price). For localities where the public land fund is scattered and fragmented, especially to be mixed with the land allocated to households and individuals for stable and long-term use, when consolidating and exchanging plots, and re-planning the fields, it must be The plan is to be compactly and centrally planned, to facilitate management and use, not to fall into waste or waste. In case this land area cannot be concentrated, the boundary of the land plot must be established to facilitate management. Regarding the land lease term, it is advisable to consider leasing it to households for up to 5 years so that they can rest assured to invest in the land and give priority to households who are currently renting for another 5 years if they pay the same rent as other tenants. other auction participants.

Handling of public land that has been illegally encroached, occupied, or transferred: For public land parcels encroached or occupied, they shall be recovered for lease or used for public purposes of the commune or township or request competent authorities to recognize the land use right according to the use planning, approved land, if acquired, is difficult to use and manage. Strictly punish those who intentionally encroach or occupy land following the law. If construction work is established on the land following the construction planning and does not affect other construction works, that land area shall be considered for issuance of a certificate, and collection of land use levy shall be made according to regulations. . On the contrary, it is necessary to force the land user to dismantle the work, return the ground as before the

transfer, and sanction administrative violations of land according to regulations.

Strengthening propaganda and dissemination of the law and inspecting, examining, and sanctioning administrative violations of land

To limit the situation that some people have not properly complied with the provisions of the land law such as late

payment of land rent, failure to hand over the land at the end of the lease term, encroachment, or appropriation of the public land fund, it is necessary to do better. propaganda and dissemination of the law on land so that people know the rights and obligations of land users. Carry out propaganda and education on land law on the media, especially there should be documents on land law at the village cultural house for interesting subjects to read. In addition, the village head must also improve his understanding of the law on land to guide the people to follow it well from the grassroots level. It is also necessary to regularly inspect, examine and strictly and promptly punish violations of the land law and assign responsibility to commune-level People's Committee leaders in the management of public land funds.

Ensuring human resources, facilities, and finance for public land fund management

To modernize the management of the public land fund in particular and land management in general, it is necessary to supplement the quantity and quality of cadres and civil servants. The civil servants who don't meet the job requirements need to be trained in land management knowledge or transferred to another position and replaced by someone with appropriate qualifications. Moreover, civil servants who specialize in land management also need to regularly update technical advances in land management. At the same time, People's Committees at all levels also need to invest in facilities for land management as well as have policies on ensuring funding for public land fund management.

IV. CONCLUSION

In 2021, Yen Khanh district has 495.40 ha of the public land fund, has leased 422.67 ha with a lease period from 1 to 3 years, and land rent of 2,578.287 million. The procedure for renting land is simple. The leased land area is following the

authority and has a land lease contract, although the form of land lease is not following regulations (not through land auction). Many parcels of public land are small, scattered, and stuck in residential areas that have not yet been leased and are left untouched, some of which have been encroached upon or occupied. Inspection, examination, and sanctioning of violations of the land law have not been regular. Human resources are lacking in quantity and quality. Funds and facilities for public land fund management have not met the requirements. To overcome the shortcomings and limitations in the management of the public land fund, it is necessary to improve the regulations on leasing the public land fund; strictly handle acts of illegal encroachment, appropriation, and transfer of public land; strengthen propaganda, law dissemination, and inspection and examination; ensure sufficient quantity and quality of human resources and material and financial facilities. The study has not assessed the factors affecting public land fund management. Therefore, this issue needs to be studied further. The research results could be used as a reference when assessing the current status of public land fund management in other areas.

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