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MANAGEMENT OF LAND RESOURCES OF TERRITORIAL COMMUNITIES IN THE CONTEXT OF LEGISLATIVE INNOVATIONS: DECENTRALIZATION, DEREGULATION, MARTIAL LAW

Background. *The implementation of land reform in Ukraine began after the adoption of the resolution on Land Reform, which was approved simultaneously with the then Land Code in 1990. Thirty-four years of land reform in the country have led to the socialization of land and its redistribution among the population. Today, there is an urgent need to correct the land reform and find new approaches to land relations reform in the context of domestic and global trends.*

Relevance. *Relevant issues remain related to defining the content of strategic priority tasks that the state must address in the field of land relations to achieve socio-economic growth, improve the quality of life of the population, ensure constitutional rights of citizens and society in land relations, and overcome corruption. For this, there is a need to review the current state of regulatory support for state regulation of land relations and the existing configuration of authorities in this area. The relevance of this research is also objectified by the processes of European integration and decentralization, requiring the formation of an open and transparent land market in Ukraine.*

Purpose. *The aim of the article is to highlight new approaches to land resource management of territorial communities in the process of decentralization and deregulation in the field of land relations and to develop practical recommendations on the specifics of forming and implementing land policy under the legal regime of martial law in Ukraine. The set goal necessitated the fulfillment of several tasks: to substantiate the need for land relations reform in Ukraine, conduct a retrospective analysis of state regulation in this field, particularly analyzing the features of regulatory support; to study directions for optimizing the institutional and functional support of land relations regulation; to propose ways to improve the efficiency of land resource management of territorial communities under martial law and in the post-war period in Ukraine.*

Methods. *The methodological basis of the study is a systematic approach, which revealed the features of organizational, legal, and institutional support for regulating land relations in Ukraine. A comparative legal analysis of the system of state regulation of land relations was carried out; the general scientific dialectical method of cognition allowed identifying the dependence of the actual state of land relations from the level of their legal regulation. Systematic, comprehensive, and functional methods of cognition were also used in the work.*

Results. *The relevance and importance of focusing on decentralization and deregulation in the legal regulation of land relations, and the transformation of land legislation under martial law and in the context of the Association Agreement between Ukraine and the EU, are revealed. The periodization of the formation of the state regulation system of land relations in Ukraine based on regulatory and institutional principles is presented. The features of the "land reform package" are identified, and 29 reform initiatives affecting 4 codes and 22 laws of Ukraine, dubbed the "Land Constitution", are analyzed, highlighting, and analysing their key tasks. Factors necessitating the introduction of a simplified land access procedure during martial law for agricultural production and food security are identified. The legal mechanisms introduced by the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Creating Conditions for Ensuring Food Security under Martial Law", which addresses the urgent needs of the national economy for land plots under martial law, are analyzed. It is noted that the peculiarities of land relations regulation under martial law due to russian aggression against Ukraine have slowed down the implementation of the "land reform package". However, after Ukraine's victory, the established legal foundations will ensure the successful completion of land reform and enhance the efficiency of managing land resources of territorial communities.*

Conclusions. *A thorough analysis showed that within a fairly short period, the necessary legal framework was created for the finalization of land reform in Ukraine, scientifically substantiated prospective directions for rationalizing land relations in Ukraine on the principles of decentralization and deregulation were defined. However, under the legal regime of martial law due to russian military aggression against Ukraine, some provisions of the "land reform package" were suspended, necessitating adjustments to land policy during this period. The system of factors that necessitated the introduction of a simplified procedure for access to lands for agricultural production during the period of martial law was identified. Key legislative innovations regarding food security and peculiarities of regulating land relations under martial law were analyzed.*

Further research in this direction is associated with the need for scientific substantiation of the system of mechanisms, tools, and methods for forming a multi-level land resource management system in the context of ensuring decentralization and deregulation in the field of land relations, as well as further implementation of the Association Agreement between Ukraine and the EU, which should represent an integrated set of interrelated elements that retain their individual significance and have a targeted orientation according to the concept of sustainable development of Ukraine's territories.

Keywords: *land management, land reform, territorial communities, decentralization, deregulation, European integration processes, state regulation system of land relations, periodization, regulatory framework, municipal and state forms of ownership, local self-government bodies, martial law.*

Background

The implementation of land reform in Ukraine began after the adoption of the resolution on Land Reform, which was approved simultaneously with the then Land Code in 1990 (currently, these regulatory documents are no longer valid). Thirty-four years of land reform in the country have led to the socialization of land and its redistribution among the population (Martyn, 2011, p. 52). During this time, the importance of land as a resource for the territorial development of productive forces and a fundamental component of the environment was overlooked, which has caused numerous economic and environmental crises in land use. These crises are significantly complicated by property relations. Today, there is an urgent need to correct the land reform (Land reform ..., 2012) and find new approaches to land relations reform (Borovyk et al., 2008) in the context of domestic and global trends.

The conceptual approaches to improving the mechanisms for regulating the turnover of lands of territorial communities of Ukraine involve ensuring the control of rational land use; clearly regulating the distribution of functions and powers between relevant executive bodies and local self-government bodies regarding land relations in territorial communities; developing mechanisms for implementing organizational and legal norms of land turnover and their consolidation in land legislation.

At the same time, public land management of territorial communities currently involves the conduction of not only organizational and legal measures by state authorities and local self-government bodies but also financial, economic, personnel, informational, scientific, technical, and other measures aimed at the development, improvement, or fundamental change of land relations in a priority direction for communities to rationalize land use and protection, ensure food security, environmentally safe conditions for economic activity and living, and create necessary infrastructure, among other goals.

Relevance. Effective land resource management of territorial communities is one of the key factors in the socio-economic and environmental recovery processes of Ukraine. As a result of the full-scale Russian-Ukrainian war, the comprehensive implementation of key reforms has been somewhat delayed. Land reform can be considered as being in the formation stage and partially meets European criteria and requirements for proper land resource management. The complex situation in the field of land relations in Ukraine is primarily caused by the lack of an effective land management mechanism. Therefore, there is an urgent need to develop effective mechanisms for state regulation of land use and protection issues, prevent abuses, and avoid social tension in this area.

Relevant issues remain related to defining the content of strategic priority tasks that the state must address in the field of land relations to achieve socio-economic growth, improve the quality of life of the population, ensure constitutional rights of citizens and society in land relations, and overcome corruption. For this, there is a need to review the current state of regulatory support for state regulation of land relations and the existing configuration of authorities in this area. The relevance of this research is also objectified by the processes of European integration and decentralization, requiring the formation of an open and transparent land market in Ukraine.

Purpose. The aim of the article is to highlight new approaches to land resource management of territorial communities in the process of decentralization and deregulation in the field of land relations and to develop

practical recommendations on the specifics of forming and implementing land policy under the legal regime of martial law in Ukraine. The set goal necessitated the fulfillment of several tasks: to substantiate the need for land relations reform in Ukraine, conduct a retrospective analysis of state regulation in this field, particularly analyzing the features of regulatory support; to study directions for optimizing the institutional and functional support of land relations regulation; to propose ways to improve the efficiency of land resource management of territorial communities under martial law and in the post-war period in Ukraine.

Sources. The issues of scientific and methodological foundations for improving land resource management processes and land relations regulation at different levels are covered in the works of B. M. Danylyshyn, Yu. F. Dekhtyarenko, D. S. Dobryak, O. S. Dorosh, A. H. Martyn, Yu. M. Palekha, A. Ya. Sokhnych, O. V. Stepenko, A. M. Tretiak, M. A. Khvesyuk and others. However, previous studies mainly focused on specific aspects of the mentioned problem, insufficient attention was paid to issues of regulating land relations under decentralization of state administration, ensuring deregulation in the field of land relations, and organizational and legal support during martial law in Ukraine.

Methods

The methodological basis of the study is a systematic approach, which revealed the features of organizational, legal, and institutional support for regulating land relations in Ukraine. A comparative legal analysis of the system of state regulation of land relations was carried out; the general scientific dialectical method of cognition allowed identifying the dependence of the actual state of land relations from the level of their legal regulation. Systematic, comprehensive, and functional methods of cognition were also used in the work.

Results

The need for land relations reform and the establishment of effective land resource management was recognized immediately upon Ukraine gaining independence. The primary principle that defined the reform directions was overcoming the state's monopoly on land ownership and establishing multi-subject ownership rights to land. The priority task of the land reform was to form market land relations, which would ensure the further effective redistribution of land resources through the introduction of more effective mechanisms of state land resource management at various levels.

Overall, the establishment of the state regulation system of land relations can be divided into stages based on normative-legal and institutional principles:

1. First Stage (1990–1996): The establishment of the entire system of state authorities, the formation of powers, functional areas of responsibility, and the configuration of state management bodies.

2. Second Stage (1996–2001): Marked by the adoption of the Constitution of Ukraine and the clear regulation of state regulation processes in all spheres of public relations. The system of public authorities was consolidated, and powers in the regulation of land relations were distributed.

3. Third Stage (2001–2014): Characterized by the adoption of the Land Code of Ukraine (2001) and the creation of an entire system of state bodies for the regulation of land relations: the State Committee of Ukraine for Land Resources (2000) and the State Service of Ukraine for Geodesy, Cartography, and StateGeoCadastre (2014).

4. Fourth Stage (2014–2018): A period of systemic changes in land regulation, the creation of the land market, the lifting of the moratorium on the sale of agricultural land, the approval of the concept, and the beginning of the implementation of the reform of local self-government and the territorial organization of power in Ukraine (On the approval of the Concept ..., 2014).

5. Fifth Stage (February 2018 – present): The process of transferring state-owned agricultural land plots to the communal ownership of respective territorial communities and, since February 24, 2022, the introduction of the legal regime of martial law due to Russia's military aggression against Ukraine (On the introduction of amendments ..., 2022; On amendments to certain ..., 2020; On the introduction of martial..., 2022).

Throughout the entire period, due to both certain systemic miscalculations and insufficient resource support, as well as contemporary intensified challenges and threats, most of the goals of land reform have not yet been achieved, and the introduction of market land relations has not ensured the formation of sustainable land use (Dobriak, 2015).

To address the outlined problems, the primary tasks at the current stage of finalizing land reform include:

- Conducting real land decentralization and returning to communities the ability to fully manage lands within their territories.

- Deregulating land management and assessment.
- Comprehensive planning of rural community territory.
- Ensuring the publicity and openness of cadastral systems through the development of national geospatial data infrastructure.

- Improving electronic land auctions.

- Combating corruption and land raiding.

To solve these tasks, several draft laws from the so-called "land reform package" were submitted to the Verkhovna Rada of Ukraine in 2019, which have now become laws of Ukraine (On amendments to..., 2019, On amendments to certain legislative acts regarding land use planning 2020, On amendments to certain legislative acts of Ukraine regarding the conditions..., 2020, 2021; On the national..., 2020).

A notable place among the adopted laws is occupied by the Law of Ukraine "On amendments to certain legislative acts of Ukraine concerning the improvement of the management system and deregulation in the sphere of land relations" (2021), which affected four codes and 22 laws of Ukraine, implementing 29 reform initiatives into the legal field. Due to the scale and importance of the changes introduced by this law, it is referred to as the "Land Constitution".

The key tasks addressed by this law include:

- Systemic deregulation of land relations to promote economic growth.

- Debureaucratization and simplification of access to land resources for citizens and businesses.

- Effective land decentralization and real expansion of community powers.

- Institutional reform and restoration of trust in state land resource management bodies.

- Removal of corruption-prone norms from land legislation.

- Elimination of excessive permits and redundant procedures for land management documentation verification.

- Implementation of public monitoring of land relations and transparency of land management and assessment documentation.

- Digitalization of procedures to reduce the cost and duration of land management and assessment work.

A principal provision of this law is the introduction of decentralization in the sphere of land relations. Over the past decades, an extremely centralized system of land relations regulation has developed in Ukraine, where locally elected self-government bodies were essentially excluded from decision-making regarding land management and control over its use. Returning to communities the ability to fully manage lands within their territories is one of the key tasks of real decentralization because land issues should be resolved by local self-government bodies in the interest of the local residents who elect them. The local community is most interested in the effective use of land, attracting investments, and quickly resolving land-property issues, among other things. The essence of the proposed legislative innovations is to transfer lands to territorial communities, control their use, regulate land management and urban planning, and establish the boundaries of territorial communities.

According to the analyzed law (On amendments to..., 2021), the communal property of territorial communities includes lands outside settlements within territorial communities, except for lands: defense; state enterprises, institutions, and organizations that remain in state ownership and are used on the right of permanent use; natural reserve and other nature protection purposes within the objects and territories of the national nature reserve fund of state significance; forestry purposes; the exclusion zone and unconditional (mandatory) resettlement zone of the territory contaminated due to the Chernobyl disaster; under buildings, structures, and other real estate objects of state ownership; under objects of engineering infrastructure of national and inter-farm reclamation systems of state ownership. This law canceled the restriction on local self-government bodies regarding the disposal of lands outside settlements, introduced in January 2013 (On amendments to..., 2013).

The control over land use is becoming a more effective two-level system. The first level – local self-government bodies control the most common violations on their territory (unauthorized seizure and non-targeted use of lands). Thus, the expansion of the powers of local self-government bodies lies in the sphere of land use and protection control. Local councils will make decisions on land use and protection control as provided by law and grant powers to their executive committees in the field of land use and protection control of the community. Land plots provided for permanent use from state and communal ownership can be withdrawn for public and other needs by the decision of the bodies that manage land plots according to their powers. Local self-government bodies are allowed to employ inspectors for land use and protection control. The second level – the state supervision over the activities of local self-government bodies. The StateGeoCadastre supervises the activities of local self-government bodies regarding state control over land use and protection and ensures control in communities where local councils have not decided on such control due to a lack of financial resources and proper staffing.

An important aspect of decentralization in the field of land relations is granting local self-government bodies the authority to approve land management and urban planning documentation within the entire territory of the community. According to the provisions of the analyzed law (On amendments to..., 2021), the state expertise of land management documentation is canceled, the scope of land

management documentation approval is narrowed, and overall deregulation in the field of land management work is ensured.

Local self-government bodies are granted the authority to change the purpose of privately owned land plots. The land management project for the allocation of a privately owned land plot, whose purpose is being changed, is developed at the request of the landowner, without the permission of the executive body, to local self-government body for its development and is approved by these bodies within a month from the date of its receipt.

Important changes include maintaining tacit consent for the development of a land management project only for land plots where buildings and structures are located. For all other cases, a permit for development is required, formed based on the land management project within 10 working days. Land management projects for the allocation of land plots are not agreed upon but only approved by executive bodies or local self-government bodies according to the powers defined in Article 122 of the Land Code of Ukraine (Land Code..., 2001).

According to the law, the division and unification of land plots under use are possible only with the consent of the land user or mortgage holder and must be notarized. The merger of land plots is allowed with a single purpose designation. Agricultural land plots in private ownership can only be alienated through contracts of sale, donation, lifelong maintenance, inheritance agreement, exchange, by contributing to the statutory (composite) capital, or by foreclosure on them. It is also stipulated that agricultural land plots inherited by legal entities, which according to the Land Code cannot own them, must be alienated within one year.

Legal guarantees for full openness and accessibility of land management documentation and the publicity of its review have been introduced. Access to the State Fund of Land Management Documentation and Land Valuation for citizens, authorities, and land management documentation developers has been simplified while ensuring compliance with the legislation on personal data protection.

In the field of urban planning activities, local self-government bodies have been granted the right to approve detailed plans for areas outside settlements and make changes to them. This will ensure the efficient use of land outside settlements within territorial communities. More powers have been granted to territorial communities by the Law of Ukraine "On amendments to certain legislative acts regarding land use planning" (2020). They have been granted the right to develop comprehensive plans for the spatial development of community territories – essentially, this is the general plan of the territorial community, which simultaneously serves as urban planning documentation at the local level and land management documentation. It defines not only the areas for prospective development but also the plots that need to be expropriated for public needs and environmental protection purposes. This allows moving from point-by-point territory management to comprehensive management. The existence of such urban planning documentation provides the possibility to change the purpose designation of land plots by the decision of local self-government bodies, their owners, and land users. For a land user, the condition for changing the purpose designation of a land plot is, firstly, that they use the land plot on the basis of permanent use, lease, emphyteusis, or superficies, and secondly, that there are buildings or structures on the land plot that are privately owned by the land user.

To establish the boundaries of territorial communities, the law introduces a clear, organizationally simple, and cost-effective mechanism for establishing and recording

the boundaries of territorial communities in the State Land Cadastre. When developing land management projects for establishing the boundaries of territorial communities, the actual boundaries of the community's territory are determined, disputes between several local self-government bodies regarding the boundaries of the respective territories are resolved, and information about the boundaries of the territorial community is prepared for entry into the State Land Cadastre. The land management project for establishing the boundaries of a territorial community must determine its external boundaries. The law prohibits the establishment of the boundaries of a territorial community that changes the boundaries of administrative-territorial units and the location of a formed land plot within several territorial communities. This prohibition does not apply to forestry land, water fund land, nature reserve land, and other nature conservation land, land plots under linear transportation, and energy infrastructure facilities.

The most important provisions of the Law of Ukraine "On amendments to certain legislative acts of Ukraine concerning the improvement of the management system and deregulation in the sphere of land relations" (2021) include ensuring systemic deregulation of land relations by simplifying land management procedures in terms of documentation verification, state expertise, boundary markers, special permits, preliminary approvals, documentation requirements, and publicity. Verification of land management and land valuation documentation against the requirements of regulatory acts by state bodies is carried out on the principle of "one touch" and "tacit consent," where this public verification is combined with control over topological connectivity and the absence of boundary overlaps. To this end, unnecessary types of documentation approvals have been removed from the legislation (except for cases of establishing and changing the boundaries of administrative-territorial units), and state expertise of land management documentation has been canceled, reducing the corruption factor.

To avoid abuses in the "supply of standard boundary markers" that occurred in 2010, a general rule has been established whereby the method of fixing boundaries between land plots during land management is determined by agreement of the landowners, and the costs of establishing adjacent boundaries are borne by the landowners in equal shares unless otherwise established by agreement. Boundary markers (structures) are recognized as any natural and artificial structures and lines (rivers, streams, canals, forest belts, plant strips, trees, paths, ditches, canals, walls, fences, road structures, concrete or metal poles, slabs, monoliths, stones, buoys, other structures and lines) that coincide with the boundary of the land plot or are specially installed on it.

The law also abolishes the separate procedure for preliminary approval of the materials of the location of the object planned to be placed on the land plot, as it only duplicates the planning decisions regarding the spatial composition and construction parameters determined in the urban planning documentation. Components that are not personally developed by the land surveyor engineer have been removed from all types of land management documentation. At the same time, detailed requirements for the content of the textual/graphic parts of land management documentation and its digitization have been established. Legal guarantees of full openness and accessibility of land management documentation and the publicity of its review have been introduced, including

simplified access for citizens, authorities, and developers of land management documentation to the State Fund of Land Management Documentation and Land Valuation, while ensuring compliance with personal data protection legislation (On amendments to..., 2021).

In the context of the ongoing large-scale military aggression of russia against Ukraine, solving many tasks of the country's economic functioning directly depends on the promptness of decision-making. Food security of the state acquires critical importance in the conditions of martial law, requiring the inclusion of all available agricultural land in circulation for the sowing campaign and ensuring intensive agricultural production.

The rules regulating land relations in peacetime, when the procedures for granting agricultural land of state and communal ownership, unclaimed, undivided land plots, as well as land plots that remained in collective ownership, in the conditions of martial law demonstrate their ineffectiveness and unadaptability to new realities. In addition, under martial law, when the State Land Cadastre, the State Register of Real Property Rights and Encumbrances do not function, and administrative services are not provided, granting land plots of state and communal ownership to agricultural producers under the usual procedure provided by land and other legislation of Ukraine is practically impossible. Plots prepared for transfer through land auctions remain ungranted.

Due to the russian invasion of Ukraine, for security reasons, the operation of most state electronic registers, including the State Land Cadastre and the State Register of Real Property Rights, was temporarily suspended. Without their functioning, it was impossible to acquire ownership and use land plots according to the procedure provided by land and other legislation of Ukraine, and later their work was resumed.

There are factors that necessitate the introduction of a special simplified procedure for access to land for agricultural production during the period of martial law. It is these legal mechanisms that the Law of Ukraine "On amendments to certain legislative acts of Ukraine regarding the creation of conditions for ensuring food security under martial law" (2022) implements. A feature of this law is that it is based on the priority of public (state) interests over private individuals' interests during wartime. This means that the law suspends some legal mechanisms that protect private interests, dictated by the requirements of state functioning in conditions of russian aggression. This law also introduces some legal mechanisms that prioritize society's interest in the urgent use of available agricultural land for food production. In some cases, the interests and desires of landowners and land users may be ignored.

The key novelties of the analyzed law include (On amendments to..., 2022):

- automatic renewal for one year of the validity of agreements for the use of agricultural land of all forms of ownership;
- a simplified procedure for leasing agricultural land of state and communal ownership to agricultural producers;
- a simplified procedure for leasing agricultural land of state and communal ownership by their permanent users and emphyteuta;
- the transfer by lessees and sublessees of rights of lease and sublease of agricultural land of all forms of ownership for agricultural production;
- the procedure for state registration of land agreements;
- signing agreements with qualified electronic signatures.

Automatic renewal of agreements means that neither their parties nor the authorities take any action to ensure their renewal. The fact of their renewal is confirmed by two circumstances: the expiration of the agreements after the date of the introduction of martial law, that is, after February 24, 2022, and by virtue of paragraph 27 of the Transitional Provisions of the Land Code of Ukraine (2001), introduced by the Law of Ukraine "On amendments to certain legislative acts of Ukraine regarding the creation of conditions for ensuring food security under martial law" (2022). Based on these two circumstances, the agreements for the use of land (lease, emphyteusis, superficies, servitude) that were to be terminated after February 24, 2022, remain in force, and continue for another year without entering information about the renewal of the agreement in the State Register of Real Property Rights and Encumbrances.

The simplified procedure applies to the lease of all agricultural land of state and communal ownership, except those in permanent use by citizens and private legal entities, public organizations, etc., by canceling the general rule of acquiring rights to these lands (exclusively through land auctions) to ensure food security during martial law. The law establishes (On amendments to..., 2022) that auctions for the transfer of lease rights, emphyteusis, superficies regarding agricultural land of state and communal ownership are not held; land plots, the rights to which were previously put up for land auctions but the winner was not determined, are leased without holding land auctions; land auctions for the acquisition of lease rights, emphyteusis, superficies regarding agricultural land of state and communal ownership announced and not completed before the entry into force of paragraph 27 of Section X "Transitional Provisions" of the Land Code of Ukraine (2001) are considered canceled; new land auctions for the acquisition of lease rights, emphyteusis, superficies regarding agricultural land of state and communal ownership during martial law and within six months after its cancellation are not announced and are not held.

According to this law (On amendments to..., 2022), military administrations, as temporary state bodies created based on relevant district and regional state administrations, are granted the right to lease land plots of state, communal, and former collective ownership. The new provisions regarding lease terms include: a) The lease term under such agreements cannot exceed 1 year (the requirements of the Land Code (Land Code..., 2001) of Ukraine and the Law of Ukraine "On land lease" (1998) stipulate a minimum term of 7 years); b) The lease payment cannot exceed 8 % of the normative monetary valuation of the land plot determined from the normative monetary valuation of a unit area of arable land in the region; c) The leasing of a land plot is conducted without holding land auctions.

At the same time, a number of restrictions are established on the use of such land plots. Under such a contract, the lessee does not have the right to:

- compensation for their expenses on improving the land plot;
- renewal of the land lease contract or conclusion of a new lease contract using the lessee's preferential right;
- sublease the land plot;
- establish land servitude;
- change the type of land use;
- construct real estate (buildings, structures) on the land plot;
- plant perennial crops on the land plot;

- preferential right to purchase the leased land plot in case of its sale;

- alienation or pledge (mortgage) of the land use right;
- divide the land plot or combine it with another land plot;
- use for personal needs the commonly distributed minerals, peat, forest, water bodies, and other useful properties of the land present on the land plot;

- change the designated purpose of the land plot.

All of the above provisions must be reflected in land lease agreements under which agricultural land plots of state and communal ownership are leased for commercial agricultural production. Such agreements are concluded only in electronic form and certified by qualified electronic signatures of the lessee and lessor. Specific features of such agreements include: a) The agreement may provide for the leasing of several plots by one lessor; b) The agreement cannot be renewed, concluded for a new term, and terminates after the period for which it was concluded, that is, after one year; c) The agreement does not contain information about the cadastral number of the land plot if it has not been assigned previously.

In conclusion, it should be noted that by simplifying the mechanism for acquiring rights to agricultural land, the mentioned law (On amendments to..., 2022) allows for the prompt provision of communal lands prepared for lease through land auctions but not included in circulation, and also creates legal prerequisites for intensive agricultural production on state lands currently in permanent use by state enterprises of the Ministry of Agrarian Policy, the National Academy of Agrarian Sciences of Ukraine, educational institutions, etc., from 2022.

It should be noted that in order to improve the efficiency of land resource management and regulate land relations during martial law, a whole series of regulatory legal acts have already been adopted or prepared. The most important changes to the land legislation in wartime conditions are reflected in the Law of Ukraine. The adopted law allows meeting the most urgent and immediate needs of the national economy for land plots under "On the introduction of amendments to certain legislative acts of Ukraine regarding the peculiarities of the regulation of land relations under martial law" (2022), including the provision and change of designated purposes of land plots for the placement of production facilities of enterprises relocated (evacuated) from the combat zone, the placement of facilities for temporary accommodation of internally displaced persons, agricultural production, the stable functioning of the gas transmission and distribution system, water supply and drainage, heat production, and electronic communications.

It should be noted that in order to improve the efficiency of land resource management and regulate land relations during martial law, a whole series of regulatory legal acts have already been adopted or prepared. The most important changes to the land legislation in wartime conditions are reflected in the Law of Ukraine "On the introduction of amendments to certain legislative acts of Ukraine regarding the peculiarities of the regulation of land relations under martial law" (2022). The adopted law allows meeting the most urgent and immediate needs of the national economy for land plots under martial law, including the provision and change of designated purposes of land plots for the placement of production facilities of enterprises relocated (evacuated) from the combat zone, the placement of facilities for temporary accommodation of internally displaced persons, agricultural production, the stable functioning of the gas transmission and

distribution system, water supply and drainage, heat production, and electronic communications.

Another important area of improvement in the regulatory framework for state regulation of land relations is the mandatory audit of regulatory acts adopted by the Cabinet of Ministers of Ukraine for their compliance with land reform. The main emphasis should be on the large number of such acts, most of which can be canceled or combined to make appropriate changes to the Land Code of Ukraine. There is a need to review the resolutions of the Cabinet of Ministers of Ukraine regarding the procedure for implementing certain land management and land use measures that apply to local self-government bodies. It is worth emphasizing that the influence of state authorities on local self-government bodies is impossible as it violates the constitutional rights of the territorial community and contradicts the fundamental principles of decentralization.

Among the areas of improvement in the regulatory framework for land relations, the need for further implementation of the Association Agreement between Ukraine and the EU should be separately highlighted. This concerns not only the introduction of the agricultural land market, the disclosure of information about the ultimate beneficiary of land plots, but also more systemic changes. First and foremost, it involves regulating relations regarding border lands and euroregion lands involved in cross-border cooperation programs for use in commercial production, considering the preferences provided by EU tax legislation.

It is necessary to address the issue of the legal regime of lands used within the framework of cross-border cooperation programs with economic entities that are residents of EU countries. These are lands used by joint ventures to optimize tax obligations. The main problem is that neither Ukraine's tax nor land legislation regulates the peculiarities of conducting business activities by joint ventures where an EU resident who benefits from relevant tax incentives is a participant. The use of such a land plot is ineffective as the commodity flows go to the EU, as do the tax revenues. The only thing that remains in Ukraine is the payment of wages to those who cultivate the land.

To align with Ukraine's national interests, it may be appropriate to implement the following measures:

- adopt a separate law on the use of land in the process of cross-border cooperation between economic entities that are residents of Ukraine and the EU. The purpose of this law will be to establish at the highest level the obligatory payment of taxes for the sale of products produced on such land to the respective budgets in Ukraine, regardless of the producer's subject affiliation or the availability of benefits under European legislation;

- establish the mandatory payment of relevant rent payments by non-resident entities for the use of land plots in Ukraine within the framework of joint ventures. Moreover, the subjects of such payments should be the participants of such enterprises, not the joint ventures themselves.

Thus, it can be stated that the peculiarities of regulating land relations under the legal regime of martial law due to Russia's military aggression against Ukraine have slowed down the implementation of the "land reform package." However, after Ukraine's victory, during the post-war period, the legal foundations developed will ensure the successful finalization of land reform and improve the efficiency of land resource management by territorial communities.

Discussion and conclusions

Land reform in Ukraine as a process of purposeful and consistent improvement of the system of land relations and

their regulation methods began without prior preparation. There was no scientifically substantiated concept and program of land transformations, legislative and regulatory framework; the foundations of a multi-level system of land resource management were not formed. This led to the fact that most of the most important goals of land reform defined by legislation were not achieved. To catch up and form a new land policy, a "land reform package" was adopted, implementing 29 reform initiatives by amending 4 codes and 22 laws of Ukraine.

A thorough analysis showed that within a fairly short period, the necessary legal framework was created for the finalization of land reform in Ukraine, scientifically substantiated prospective directions for rationalizing land relations in Ukraine on the principles of decentralization and deregulation were defined. However, under the legal regime of martial law due to Russian military aggression against Ukraine, some provisions of the "land reform package" were suspended, necessitating adjustments to land policy during this period. The system of factors that necessitated the introduction of a simplified procedure for access to lands for agricultural production during the period of martial law was identified. Key legislative innovations regarding food security and peculiarities of regulating land relations under martial law were analyzed.

Further research in this direction is associated with the need for scientific substantiation of the system of mechanisms, tools, and methods for forming a multi-level land resource management system in the context of ensuring decentralization and deregulation in the field of land relations, as well as further implementation of the Association Agreement between Ukraine and the EU (On the ratification..., 2014), which should represent an integrated set of interrelated elements that retain their individual significance and have a targeted orientation according to the concept of sustainable development of Ukraine's territories.

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УПРАВЛІННЯ ЗЕМЕЛЬНИМИ РЕСУРСАМИ ТЕРИТОРІАЛЬНИХ ГРОМАД У КОНТЕКСТІ ЗАКОНОДАВЧИХ НОВЕЛ: ДЕЦЕНТРАЛІЗАЦІЯ, ДЕРЕГУЛЯЦІЯ, ВОЄННИЙ СТАН

Вступ. Означено, що проведення земельної реформи в Україні розпочалося після прийняття постанови про земельну реформу, ухваленої одночасно із тодішнім земельним кодексом України в 1990 році. Минуло 34 роки проведення в державі земельної реформи, яка мала своїм головним наслідком соціалізацію землі, її перерозподіл між населенням. Висловлено, що на сьогодні існує необхідність термінової корекції земельної реформи, пошуку нових підходів до реформування земельних відносин у контексті вітчизняних та світових трендів.

Сформульовано, що актуальними лишаються питання, пов'язані з визначенням змісту стратегічних першочергових завдань, які має вирішити держава у сфері земельних відносин для досягнення соціально-економічного зростання, підвищення якості життя населення, забезпечення конституційних прав громадян та суспільства щодо їх реалізації у сфері земельних відносин, подолання корупції. Виявлено, що існує потреба перегляду сучасного стану нормативно-правового забезпечення регулювання земельних відносин. Актуальність дослідження об'єктивується також процесами євроінтеграції та децентралізації, що вимагає формування відкритого та прозорого ринку земель в Україні.

Метою статті є висвітлення новітніх підходів до управління земельними ресурсами територіальних громад у процесі децентралізації і дерегуляції у сфері земельних відносин та розроблення практичних рекомендацій щодо особливостей формування і реалізації земельної політики в умовах правового режиму воєнного стану в Україні. Для досягнення мети було виконано низку завдань, а саме: обґрунтувати необхідність реформування земельних відносин в Україні, здійснити ретроспективний аналіз державного регулювання у цій сфері, зокрема проаналізувати особливості нормативно-правового забезпечення; дослідити напрями оптимізації інституційного та функціонального забезпечення регулювання земельних відносин; запропонувати шляхи підвищення ефективності управління земельними ресурсами територіальних громад в умовах воєнного стану та в післявоєнний період в Україні.

Методи. Методологічною основою дослідження виступає системний підхід, за допомогою якого було розкрито особливості організаційно-правового та інституційного забезпечення регулювання земельних відносин в Україні. Здійснено порівняльно-правовий аналіз системи державного регулювання земельних відносин; загальнонауковий діалектичний метод пізнання дозволив виявити залежність фактичного стану земельних відносин від рівня їх правового регулювання. Також було використано системний, комплексний і функціональний методи пізнання.

Результати. Розкрито актуальність та важливість надання належної уваги дослідженню децентралізації та дерегуляції у сфері правового регулювання земельних відносин, трансформації земельного законодавства в умовах воєнного стану та в контексті імплементації Угоди про асоціацію між Україною та ЄС. Представлено періодизацію становлення системи державного регулювання земельних відносин в Україні за нормативно-правовим та інституційним принципами. Визначено особливості запровадженого "пакета земельної реформи", проаналізовано 29 реформаторських ініціатив, які торкнулися 4 кодексів і 22 законів України та отримали назву "Земельна Конституція", виділено та проаналізовано їхні ключові завдання. Визначено фактори, що зумовлюють необхідність запровадження на період дії правового режиму воєнного стану в Україні особливого, спрощеного порядку доступу до земель для виробництва сільськогосподарської продукції, забезпечення продовольчої безпеки. Проаналізовано правові механізми, введені в дію Законом України "Про внесення змін до деяких законодавчих актів України щодо створення умов для забезпечення продовольчої безпеки в умовах воєнного стану", який дозволяє задовольнити найбільш нагальні та невідкладні потреби національної економіки в земельних ділянках в умовах воєнного стану. Зазначено, що особливості регулювання земельних відносин в умовах дії правового режиму воєнного стану у зв'язку з воєнною агресією Росії проти України призгальмували реалізацію "пакета земельної реформи". Зазначено, що після перемоги України, у повоєнний період, напрацьовані правові підґрунтя дозволять забезпечити успішну фіналізацію земельної реформи та підвищити ефективність управління земельними ресурсами територіальних громад.

Висновки. Проведений ґрунтовний аналіз засвідчив, що протягом досить короткого періоду часу створено необхідне правове поле для фіналізації земельної реформи в Україні, визначено науково обґрунтовані перспективні напрями раціоналізації земельних відносин в Україні на засадах децентралізації та дерегуляції. Водночас за правового режиму воєнного стану внаслідок воєнної агресії Росії проти України окремі положення "пакета земельної реформи" призупинено, що спричинило необхідність коригування земельної політики в цей період. Визначено систему факторів, які зумовили необхідність запровадження на період воєнного стану спрощеного порядку доступу до земель для виробництва сільськогосподарської продукції. Проаналізовано ключові законодавчі новели щодо забезпечення продовольчої безпеки, особливостей регулювання земельних відносин в умовах воєнного стану.

Перспективи подальших розвідок у цьому напрямі пов'язуються з необхідністю наукового обґрунтування системи механізмів, інструментів та методів формування багаторівневої системи управління земельними ресурсами в контексті забезпечення децентралізації та дерегуляції у сфері земельних відносин, які повинні являти собою інтегровану сукупність взаємопов'язаних елементів, що зберігають своє індивідуальне значення та мають цільову спрямованість відповідно до концепції сталого розвитку території України.

Ключові слова: управління земельними ресурсами, земельна реформа, територіальні громади, децентралізація, дерегуляція, євроінтеграційні процеси, система державного регулювання земельних відносин, періодизація, нормативно-правове забезпечення, комунальна та державна форми власності, органи місцевого самоврядування, воєнний стан.

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