

З метою ефективного регулюванню земельних відносин у сфері примусового припинення прав на земельні ділянки вкрай необхідним є подальше вдосконалення чинного земельного законодавства, усунення зазначених недоліків наявного правового регулювання у вказаній сфері, а також встановлення чіткого переліку правових умов, підстав та порядку примусового припинення прав на земельні ділянки.

### **Список використаної літератури:**

1. Земельний кодекс України від 25 жовтня 2001 року № 2768-III / Відомості Верховної Ради України. 2002. № 3-4. Ст. 27.
2. Платонова Є.О. Загальні умови та спеціальні підстави припинення прав на землю / Набуття і реалізація прав на землю в Україні: навчальний посібник / [А. Й. Годованюк, І. І. Каракаш, Є. О. Платонова та ін.]; за ред. проф. І. І. Каракаша. – Одеса: Юридична література, 2016. С. 249-267.
3. Платонова Є.О. Припинення прав на землю / Земельне право України: навчальний посібник / [І.І. Каракаш, В.Д. Сидор, Т.Є. Харитоновна та ін.]; за ред. І.І. Каракаша і Т.Є. Харитонові. Вид. 2-ге, переробл. і допов. Одеса: Юридична література, 2017. С. 280-297.

**Ключові слова:** припинення прав на землю, підстави примусового припинення права власності, підстави примусового припинення права землекористування, гарантії земельних прав, судовий порядок захисту.

**Ключевые слова:** прекращение прав на землю, основания принудительного прекращения права собственности, основания принудительного прекращения права землепользования, гарантии земельных прав, судебный порядок защиты.

**Key words:** termination of rights to land, grounds for the forced termination of the right of ownership, grounds for the forced termination of the right of land use, land rights guarantees, judicial protection order.

## **STEPSKA OLENA**

National University «Odessa Law Academy»,  
Assistant Professor of Agrarian, Land and Environmental Law

### **PROBLEMS OF DEVELOPMENT OF THE LAND MARKET IN UKRAINE**

The land reform in Ukraine is an important part of the economic transformations that take place in our country on the way to the establishment of market relations. The legal field and the necessary legal framework for the further successful formation of a market economy have been formed on the whole during the years of the land reform. On the one hand, the land reform has had a significant impact on the nature of economic relations, the intensification of practical transformations in the agrarian sector, on the other hand – it covered a large range of methodological and methodical problems

that need to be solved on the basis of acquired practical experience and implemented promptly.

The land market is still in the making in Ukraine, but just today it should promote the efficient use of the land fund and the formation of rational land use. Land transformations should be carried out competently, on the basis of a reliable scientifically well-grounded and practically tested economic and legal mechanism. Consequently, the creation of a legal mechanism regulating the land turning, capable of ensuring the functioning of the land market is one of the most important tasks of the land legislation. However, it can not be assumed that the conclusion of civil-law agreements on the alienation of land has an appropriate legal basis before the adoption of the law on the land market.

According to analysis of objective market needs, state regulation of the land market should provide: legislative and other normative-legal regulation of transactions in the land market; development of regional land reform programs with specific goals, stages of implementation and sources of financing; state registration of quantity and quality of land; collection, storage, processing and dissemination of information on land plots; fixing cadastral value of land plots and the size of land payments; fixing market value and rent amounts for land plots in state and communal ownership; improvement of procedures for state registration of rights and agreements with land plots; development of land market infrastructure; provision of rights guarantees of rights to land of bona fide owners; introduction of effective legal restrictions and economic sanctions for possible negative effects of land purchase (speculation, monopoly, latifundizm); control over the use of purchased land plots for the intended purpose; ensuring the balance of the land market (simulation or reduction of demand and supply of land).

One of the most widespread agreements on acquiring the right of property in the land market is a contract of land sale.

Not all land plots can be the subject of a sales contract. The lands of state and communal property can not be the subject of land sale contracts, since they can not be privately owned according to the land legislation. The lands excluded from civilian turnover or limited in turnover can not be the subject of land sale contracts either. Thus, the analysis of clause 15 of the Transitional Provisions of the Land Code of Ukraine gives grounds for determining that during operation of the moratorium, the sale of any agricultural land plots of state and communal property is prohibited. However, as far as the land plots owned by citizens and legal entities are concerned, the prohibition of sale or other means of alienation is established only for certain types of use of agricultural land (for commercial agricultural production, land plots allocated in kind (on the ground) to the owners of land shares (shares) for the conduct of a private peasant farm, as well as land shares (shares)) [1, c. 158].

According to many lawyers, the current moratorium clearly violates the constitutional rights of Ukrainian citizens.

Undoubtedly, the ban on land sales does not contribute to the development of agricultural business and the development of a full-fledged land market. In our view, the lack of a land market significantly impedes the

development of both agrarian business and in general the inflow of investments; prolonging the moratorium brings tremendous losses to the country, the budget does not adhere billions of hryvnias annually, and, in general, loses billions of dollars in foreign investments.

Today the rights of owners of agricultural land are limited. They can not buy or sell their land. In the absence of agricultural land market in Ukraine the market of land lease is developing. That is why today the rent is one of the most common transactions with land for agricultural purposes.

The analysis of the current agrarian, land and civil legislation of Ukraine shows that it does not fully solve the problem of concluding the lease agreement of agricultural lands.

In agriculture the rent plays an important role as a form of exercise of the right of ownership and efficient land use. Countries with developed market economy, where land rent is the most common form of its use have great experience in rental relations. Germany, Britain, France, Belgium and the Netherlands have a lot of the lease land. Here the farmers while expanding the farm traditionally prefer not to buy the land but to lease it. It costs them much cheaper and the farmers put the money which they saved into their production. Moreover, recently areas of sown have been limited in the EU countries and it is easier to regulate this process by means of the rent [2, c. 127].

Thus, an analysis of the current legislation which is governing the lease of land now, indicates that a number of important and fundamental issues in this area are not always clearly regulated. Most legal requirements are not coordinated. This complicates the application of legal norms in law enforcement. Despite the continued existence of the special Law of Ukraine «On Land Lease» the application of its provisions is not perfect. The practice of law governing the lease of land and rights to them, testifies that some aspects of the lease relations are interpreted ambiguously by their participants. Thus, the legal principles of rent relations in land use in agriculture need to be further improved.

The solution of the problems of relations on lease of agricultural land can be next legislative provisions: legislative strengthening of legal mechanisms and ways of further development of relations in the agricultural land use and ownership of agricultural land; improvement of the institute of lease of agricultural lands, which will increase the investment attraction and economic efficiency of agricultural land; sustainable land use, rational and effective use of land.

Proceeding from the historical experience of the EU member states in the introduction of the agricultural land market, the priority objectives of the state policy of Ukraine in the process of forming the land market are: improving the method of agricultural land evaluation, which would take into account both natural and market factors; creation of the regulatory framework and the system of automated state land cadastre management; the inclusion of land assets in the statutory funds of agricultural enterprises, which will enable to preserve integral land-property complexes in agrarian production

and provide access of owners of such enterprises to credit resources; rationalization of land use [3, с. 91].

### **References:**

1. Stepska O.V. Scientific and practical analysis of problem aspects of contractual land relations. Actual problems of legal regulation of agrarian, land, ecological and nature-resource relations in Ukraine: collective monograph / repr. ed.: T.E. Kharitonova, I.I. Karakash Odessa: Publishing House «Helvetica», 2018. P. 151-171.
2. Olena Stepska. Legal regulation of lease of agricultural land // *Legea si viata*. 2017. – Martie. – P. 126-128.
3. Zinchuk T., Dankevich V. European experience in the formation of the agricultural land market. *Economy of agroindustrial complex*. 2016. № 12. P. 84-91.

**Ключові слова:** ринок землі, землі сільськогосподарського призначення, власник землі, оренда, договір купівлі-продажу земельної ділянки.

**Ключевые слова:** рынок земли, земли сельскохозяйственного назначения, собственник земли, аренда, договор купли-продажи земельного участка.

**Key words:** land market, agricultural land, the owner of land, lease, contract of land sale.

### **ЧУМАЧЕНКО ІННА ЄВГЕНІВНА**

Національний університет «Одеська юридична академія»,  
доцент кафедри аграрного, земельного та екологічного права,  
кандидат юридичних наук, доцент

### **ЩОДО УМОВ ТА ПОРЯДКУ ЗАСТОСУВАННЯ ЮРИДИЧНОЇ ВІДПОВІДАЛЬНОСТІ ЗА ПОРУШЕННЯ ЗАКОНОДАВСТВА ПРО ВИКОРИСТАННЯ, ОХОРОНУ ТА ВІДТВОРЕННЯ ТВАРИННОГО СВІТУ**

Застосування юридичної відповідальності за порушення вимог використання, охорони та відтворення тваринного світу передбачено у ст. 63 ЗУ «Про тваринний світ», ст. 42 ЗУ «Про мисливське господарство та полювання», ст. 52 ЗУ «Про рибне господарство, промислове рибальство та охорону водних біоресурсів», ст. 20 ЗУ «Про Червону книгу України» тощо. Відповідно до ЗУ «Про тваринний світ» порушення законодавства в галузі використання, охорони і відтворення тваринного світу тягне за собою адміністративну, цивільно-правову чи кримінальну відповідальність. Проте, слід звернути увагу, що фауністичним законодавством передбачено також застосування дисциплінарної відповідальності (ЗУ «Про мисливське господарство та полювання», ЗУ «Про рибне господарство, промислове рибальство та охорону водних біоресурсів»).