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## REGULATORY AND LEGAL SUPPORT FOR STATE PERSONNEL POLICY IN THE FIELD OF SUBSOIL USE AND PROTECTION

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**Abstract.** The establishment of Ukraine as an independent, legally sovereign state requires the implementation of an effective state personnel policy in the field of subsoil use and protection, as well as the utilization of all sources of national economic enrichment, one of which is the rational use of Ukraine's subsoil resources. Despite the large number of studies dedicated to various legal aspects of state personnel policy in different sectoral areas, it should be noted that legal literature has not yet provided a comprehensive legal analysis of ensuring state personnel policy in the field of subsoil use and protection.

This article identifies the historical stages of the development of the current legislation regulating administrative and legal relations in the field of subsoil use, which serve as the foundation for the effective implementation of state personnel policy in this area. It has been established that Ukraine's current subsoil legislation is still in the process of formation and remains imperfect.

**Key words:** subsoil use, state personnel policy, subsoil protection, subsoil legislation, normative legal act, subsoil use.

**Introduction.** The formation, development, and effectiveness of the implementation of state personnel policy in the field of subsoil use and protection are directly related to the presence of a perfect, adequate legislative and regulatory framework corresponding to the relevant historical stage of the state's development.

The legal basis for the formation of state personnel policy in the field of subsoil use and protection in Ukraine includes: the Universal Declaration of Human Rights, the Constitution of Ukraine, the Labor Code of Ukraine, the Civil Code of Ukraine, the Code of Ukraine on Administrative Offenses, other legislative and subordinate normative acts regulating legal relations in the field of subsoil use and protection.

Over the past 20 years, a number of documents have been developed concerning certain aspects of state personnel policy in the field of subsoil use and protection, most of which are practically oriented. Among the main legal acts, it is necessary to highlight the following: the laws of Ukraine «On public service» and «Service in local self-government authorities», «State civil service personnel program», «Program for working with heads of state enterprises, institutions and organizations», «Program for developing and implementing the unified state system «Personnel»», «Program for organizing training for heads, deputy heads, heads of structural units of district state administrations, persons from their personnel reserve and heads, deputy heads of district councils», «Comprehensive program for the training of civil servants», «Scientific program for researching the development of civil service and improving personnel support for public administration», «National program for adapting Ukrainian legislation to European Union legislation», «Program for implementing the quality management system in executive authorities».

However, there is currently no legislative or regulatory act that clearly defines the conceptual foundations of state personnel policy in the field of subsoil use and protection from a scientific approach.

Comprehensive research on the legal and organizational foundations of forming and implementing state personnel policy in this area has practically not been conducted, and there are no monographs on the relevant issues.

State personnel policy in this field is a determining factor in the implementation of departmental, sectoral, and regional personnel policies, as well as the personnel policies of specific organizations, institutions, and enterprises. The effective influence of this factor directly depends on how state personnel policy is built, based on both a scientific approach and continuous analysis of personnel work in various sectors and areas of activity, as well as the real prospects for the development of this process, relying on necessary legal, organizational, and financial support.

The scientific and theoretical foundation for this research is based on the works of scholars such as V. Aver'yanov, K. Afanasyev, O. Bandurka, D. Bakhrach, Y. Bityak, A. Bobkova, Y. Bokovykova, O. Volkov, S. Gudkov, Y. Shemshuchenko, O. Makarenko, A. Sukhorukov, V. Matyukha, M. Movchan, I. Khokhlova, O. Shemyakov, I. Kozyakov, R. Kirin, and S. Moroz.

The aim of the study is to clarify the essence and features of the legal support of state personnel policy in the field of subsoil use and protection. The realization of this goal led to the necessity of solving tasks aimed at:

- determining the history of the formation and current state of legal regulation of administrative-legal relations in the field of subsoil use;
- developing specific proposals and recommendations for improving the legal regulation of the activities of state bodies implementing state personnel policy in the field of subsoil use and protection.

The subject of the scientific research is the normative legal acts regulating the implementation of state personnel policy in the field of subsoil use and protection.

A combination of scientific methods was used in the research. Their application is determined by the systemic approach, which allows for the study of legal phenomena in the unity of their social content and legal form. The use of the historical-legal method made it possible to trace the genesis of legal regulation of state administration in the field of subsoil use and clarify the main scientific studies conducted in this area.

**Main material.** The lack of clear legal definitions, the absence of systematic monographic studies on the phenomenon of state personnel policy in the field of subsoil use and protection as such, as well as the lack of continuous monitoring of the staffing situation across all societal sectors, not only hinder its effective practical implementation at the national, local, and sectoral levels but also lead to scientific confusion on the matter. Thus, the analysis of scientific publications shows that the content of most of them mainly focuses on the consideration of state personnel policy in the civil service sector.

To improve the legislative and legal framework of state personnel policy in the field of subsoil use and protection at the present stage, it is advisable to analyze in more detail the stages of the development of legislation regulating administrative relations in the field of subsoil use in Ukraine.

Natural economic resources are the foundation of civilization's economic development. The distribution of useful minerals around the world and in individual countries is highly uneven. Due to significant deposits of some types of minerals and the acute shortage of others, all countries are interdependent. The national security and economic well-being of any country largely depend on its ability to reduce reliance on external mineral sources and provide its economy with the necessary types of mineral raw materials.

The legal regulation of subsoil use has been a subject of research since the end of the 19th century. The first legal studies on this topic were the work by V. Grammatickov, «Mining legislation and mining administration in England, Belgium, France, Austria, and Prussia», published in 1870.

At the present stage of legal science development, no monographic studies on administrative-legal relations in the field of subsoil use have been conducted.

The theoretical and practical issues related to administrative-legal relations in the field of subsoil use have not been the subject of special study by Ukrainian scholars, and the development of social relations in the field of subsoil use requires appropriate legal support.

The historical aspects of the formation and development of legislation on subsoil use were studied by O. Mozulyaka in his dissertation “Historical experience of the coal mining industry in Ukraine (18th–21st centuries)” (Mozuliak, 2004: 16).

R. Kirin, examining the genesis of the formation of legislation in the field of mineral extraction based on materials from the history of law and mining industries, as well as relying on the generally accepted classification of the stages of state and law evolution on the territory of Ukraine, proposed the following periodization of the development of mining legislation: I – Kievan Rus period (11th–13th centuries); II – Polish period (13th–16th centuries); III – Austrian period (16th–20th centuries); IV – Russian period (16th–20th centuries); V – Soviet period (1917–1991); VI – Modern period (1991–2006) (Kirin, 2007: 58).

At the present stage of development of domestic legislation on subsoil use, legal regulation of subsoil use relations is carried out to ensure the rational, comprehensive use of subsoil resources to meet the needs for mineral raw materials and other needs of public production, protection of the subsoil, guaranteeing safety for people, property, and the environment during subsoil use, as well as protection of the rights and legitimate interests of enterprises, institutions, organizations, and individuals. (Pro rishennia Rady natsionalnoi bezpeky i oborony Ukrainy vid 6 chervnia 2003 roku, 2003: 38)

Subsoil use refers to the activity of subsoil users that is prescribed and protected by law, carried out within the territory of the state or in areas falling under its jurisdiction, aimed at using the beneficial qualities of a specific subsoil area for exploration, prospecting, extraction, or other use of the resources contained in it, including minerals (Kodeks Ukrainy pro nadra, 1994: 68).

The main regulatory legal act governing administrative relations in the field of subsoil use in Ukraine is the Code of Ukraine on Subsoil Use. (Kodeks Ukrainy pro nadra, 1994: 78).

According to article 2 of the KUpN, the subject of regulation of this legal act is mining relations that arise with regard to ensuring the rational, comprehensive use of subsoil to meet the needs for mineral raw materials and other needs of public production, protection of subsoil, guaranteeing safety for people, property, and the environment during subsoil use, as well as protection of the rights and legitimate interests of enterprises, institutions, organizations, and citizens. . (Kodeks Ukrainy pro nadra, 1994: 90,100).

The Mining law of Ukraine defines mining relations as legal relations related to the use and protection of subsoil resources, regulated by the laws of Ukraine and other normative-legal acts.

Based on the above definition, we conclude that the content of the concepts “mining relations” and “subsoil use relations” are identical in domestic legislation. Therefore, at the legislative level, for example, in article 1 of the Civil Code, these two definitions should either be presented separately or their identity should be established.

The field of subsoil use consists of a complex of social relations, part of which are regulated by the Land Code of Ukraine, the Forest Code of Ukraine, the Water Code of Ukraine, and the Tax Code of Ukraine.

When using subsoil resources, land relations also arise, as indicated by article 3 of the Land Code of Ukraine, which are regulated by this code in conjunction with normative-legal acts on subsoil. This code also regulates certain issues related to the provision of land plots for subsoil use (article 66), the sale of state or municipal land plots or rights to them for subsoil use purposes (article 134).

Acts of legislation on subsoil and subsoil use do not have retroactive effect and apply to mining relations that arose after the enactment of the regulatory legal acts that regulate them. If the rights to use subsoil plots arose before the enactment of legislation on subsoil and subsoil use, which establishes different rights and obligations for the participants in mining relations, the rights and obliga-

tions defined according to the legislation in force earlier remain in force. (Pro zatverdzhennia formy spetsialnoho dozvolu na korystuvannia nadramy u 2023 rotsi? 2023: 82)

The legislation on subsoil use in Ukraine is still in the process of development and is not yet perfect. As noted by V. Matyukha, the most unsettled and economically and legally significant issues include rental relations, the permitting system in subsoil use, and the establishment of ownership rights to technogenic mineral deposits. Practice shows that the imperfect legal regulation of these issues, along with the absence of long-term effective national and regional programs for the development of Ukraine's mineral resource base, is a factor hindering the growth of the domestic mining and processing complex (Matiukha, 2017: 240-249).

He current legislative framework regulating relations in the field of subsoil use is disjointed and not always consistent with other branches of law. Modern subsoil legislation in Ukraine is still in development, and therefore, it is characterized by such features as inconsistency, incompleteness, and a lack of clear legal definitions and guarantees. These factors affect the effective implementation of state personnel policy in the field of subsoil use and protection. To eliminate these shortcomings, a functioning legal framework and a systematic approach to improving the mechanism of regulation, management, and control over administrative-legal relations in the process of subsoil use and protection are needed.

According to the State Program for the Development of Ukraine's Mineral Resource Base until 2030, a comprehensive procedure for the exploration and development of various types of mineral resources has been developed, but the mechanism for administrative-legal regulation of these processes exists in a very generalized form. Therefore, in our opinion, there is an urgent need to refine the mentioned program to detail the issues and directions, according to which amendments need to be made to the existing regulatory legal acts in the field of subsoil use relations regulation. (Pro zatverdzhennia Zahalnodierzhavnoi prohramy rozvytku mineralno-syrovynnoi bazy Ukrainy na period do 2030 roku, 2011: 137, 211)

According to Yu. Bokovikova, Ukrainian legislation also requires refinement in terms of strengthening administrative responsibility for violating subsoil use conditions, payments to local budgets for the use of state-owned subsoil resources, and the formation of a permitting system for the extraction of common minerals at the regional level (Bokovykova, 2006: 18,20).

Another area of improving the legal regulation of subsoil use relations was identified by V. Matiukha, who asserts that solving the problems of imperfect regulatory legal support for the regulation of mining relations in Ukraine's subsoil sector between the state and subsoil users lies in eliminating legal conflicts, developing and implementing missing legal norms, and harmonizing domestic legislation in this area with EU law (Matiukha, 2017: 240, 249).

**Conclusions.** Summarizing the above, we propose the following directions for improving the current legislation regulating subsoil use through the development and adoption of: 1) a new version of the Subsoil Code of Ukraine, taking into account the current economic situation; 2) laws on the use of specific groups of mineral resources; 3) amendments to the existing provisions of the Code of Ukraine on administrative offenses (articles 47, 57, 58), as well as new provisions introducing administrative liability for violations of the terms of a special permit (license) for subsoil use and for illegal extraction of minerals of local significance; 4) simplification of the procedure for obtaining special permits, mining allotments, and licenses for business activities related to subsoil use; 5) improvement of procedural legislation regarding judicial review of administrative offenses in the field of subsoil use; 6) proposals for amendments to Ukraine's investment legislation to improve the legal regulation of subsoil use with the involvement of foreign investments; 7) amendments to the regulations on state geological control of Ukraine; 8) tax legislation concerning the exploration and extraction of mineral resources, including the introduction of preferential tax rates for the development of low-profit and depleted deposits; 9) amendments to the Land Code of Ukraine to introduce a simplified procedure

for allocating land plots for purposes related to mineral extraction; 10) supplementation of Ukraine's EU integration strategy and program with measures to harmonize national subsoil legislation with EU regulations.

Based on the above, an urgent need exists to enhance the legislative and regulatory framework of the state's human resource policy in the field of subsoil use and protection, specifically by improving legislation that governs administrative relations in this area in Ukraine.

First and foremost, it is essential to develop and legally approve a scientific concept of state human resource policy in the field of subsoil use and protection. This concept should clearly define the notions, essence, and content of state human resource policy in this sphere; its place and role in political governance; the mechanisms of interaction between the state and public organizations in shaping and implementing this policy; and the organizational and legal mechanisms ensuring the availability of qualified personnel, particularly managerial staff, for the rational use and protection of subsoil resources.

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