

GENERAL PRINCIPLES OF TARGET DESIGNATION OF AGRICULTURAL LANDS

Andrii Liubchenko¹

Abstract. This article examines the problem of changing the designated purpose of agricultural land in the context of a modern market economy. The author draws attention to the priority of agricultural land use established by law and the importance of efficient use of these resources for the development of other sectors of the economy and in accordance with the needs of the population. The study examines the factors that influence the decision to change the designated purpose of land and discusses the possible consequences of such changes for agricultural production and environmental sustainability. The *subject* of this research is an analysis of the problem of changing the designated purpose of agricultural land in the current conditions of a market economy. The research *methodology* includes an analysis of current legislation, a study of the practice of applying its provisions, as well as a review of current research and statistics in the field of agriculture and land relations. The *purpose of the article* is to reveal the importance of the priority of agricultural land use and the need for efficient use of these resources in a market economy. The study shows that changing the designated purpose of agricultural land can have a significant impact on the economy, environment and social sphere. It is shown that, despite the need for other uses of some land plots, the priority of agricultural land use is a key factor in ensuring food security and sustainable agricultural development. Based on the analysis of research, the author concludes that it is necessary to implement comprehensive measures for the conservation and rational use of agricultural land. The proposed strategies include the development of effective legislation, promotion of alternative forms of agricultural production, such as organic agriculture, as well as control over compliance with land legislation and the introduction of tools for monitoring changes in land designation. The article examines the list of principles of land management, including the principles of sustainable use, rational use, environmental safety and others. The author emphasises the importance of taking these principles into account when making decisions on planning and use of agricultural land in order to ensure sustainable development of the agricultural sector and preservation of the environment. The study found that economic, environmental and social aspects are important among the principles that influence changes in the designated purpose of agricultural land. Economic principles include the value of land, its efficient use and market competitiveness. Environmental principles focus on the preservation of soil, water resources and biodiversity. Social principles take into account the interests of the local population, ensuring food security and even development of territories. The *conclusion* of the study emphasises the need to take these principles into account when developing strategies for land use, sustainable agricultural development and the conservation of natural resources. In addition, it is important to develop land management mechanisms based on the principles of economic efficiency, environmental sustainability and social responsibility. Such an approach states the need for a balanced approach to changing the designated purpose of land, taking into account the interests of the agricultural sector, the needs of the population and environmental requirements. This approach will help to ensure sustainable development of the agricultural sector and efficient use of land resources in the current economic and environmental challenges.

Keywords: agricultural land, change of designated purpose, principle of legality and regulation, principle of publicity and transparency, principle of balanced interests and environmental sustainability, principle of compensation for losses and stability of rights, principle of efficient use of resources.

JEL Classification: Q15, Q19, Q24, Q29, R52, R59

¹ Poltava District Administrative Court, Ukraine (*corresponding author*)

E-mail: a.v.liubchenko97@gmail.com

ORCID: <https://orcid.org/0009-0001-1895-3630>



1. Introduction

Changes to the main category of agricultural land are regulated by Ukrainian legislation, in particular the Land Code, the Laws of Ukraine "On Land Protection" and "On Land Management", as well as the Resolution of the Cabinet of Ministers "On Approval of the Procedure for Changing the Designated Purpose of Land Owned by Individuals or Legal Entities". However, the legal framework in this regard is not yet complete, as Article 36 of the Law of Ukraine "On Land Protection" provides that the change of designated purpose of agricultural land may only take place if the expediency of such change is justified in accordance with the procedure established by law (The Law of Ukraine "On Land Management").

When considering this problem, it is important to consider the peculiarities of the conceptual apparatus of the current land legislation. Article 19 of the Land Code of Ukraine provides for the division of land into nine categories based on the "main purpose", including agricultural, housing and public construction, nature reserve, health, recreation, historical and cultural, forestry, water, and industrial, transport, communications, energy, defence and other purposes (The Land Code of Ukraine).

It is important to note that Article 20 of the Land Code of Ukraine refers to the change of the "designated purpose of land" without specifying the "main purpose". Therefore, the concept of "main purpose" or "category of land" cannot be considered identical to the concept of "designated purpose". This can lead to situations where a land plot can change its designated purpose without changing its category.

The rules on liability for the misuse of land also use the concept of "designated purpose". Therefore, the procedure for changing the designated purpose of a land plot is mandatory both when transferring land from one category to another and within the same category. Violation of this requirement is grounds for termination of the right to use the land plot.

The purpose of establishing land categories and designations is to provide a special legal regime for their protection and efficient use. Legislation stipulates that all agricultural land may be used for agricultural production, but in practice, differences in legal treatment may result in different restrictions on construction or other activities on such land. Nevertheless, the issue of changing the designated purpose of land owned by individuals or legal entities cannot be ignored. Such a change occurs at the initiative of the owners of the plots in accordance with the procedure established by law (Hetman, 2023).

The current land legislation of Ukraine establishes the priority of agricultural land use. In particular,

Article 23 of the Land Code of Ukraine clearly states that land suitable for agricultural use should be used primarily for such purposes. It should also be noted that land that is not required for agricultural production is usually used for other purposes that are consistent with its characteristics and location (The Land Code of Ukraine).

At the same time, in today's market economy, landowners often find themselves in need of changing the intended use of their land. This may be due to more favourable conditions for the use of land for construction within settlements or close to cities or transport routes, as well as for recreational purposes near forests or water bodies. These changes need to be justified and balanced, as they can affect soil fertility and land cover.

Considering the possibility of changing the designated purpose of agricultural land should be an important task. The solution to this issue should ensure the priority of agricultural land use, as well as ensure the efficient use of land resources for the development of other sectors of the economy and the needs of the population. The basis for determining the designated purpose of a land plot is its classification as a certain category of land. The division of the country's land fund into categories is set out in the Land Code of Ukraine. Pursuant to Article 18 of the Land Code of Ukraine, the land of Ukraine includes all land within the territory of the country, including islands and land occupied by water bodies, which are divided into categories according to their main purpose.

In today's world, where land resources are becoming increasingly valuable and limited, changing the designated purpose of agricultural land is a pressing issue that requires justification and regulation. The designated purpose of land is defined as the main purpose for which a given land object is used. The change of designated purpose of agricultural land involves the conversion of agricultural land to other uses, such as industrial, residential, commercial or recreational. In view of the above, it is necessary to analyse the basic principles of changing the designated purpose of agricultural land. (Martyn, 2012).

2. The Principle of Legality and Regulation

Legality is defined as the conformity of actions, decisions and processes with the applicable law. In the context of changing the designated purpose of agricultural land, this means that any actions aimed at changing the designated purpose of land must comply with the applicable laws of the country or region where the land is located. For example, in Ukraine, the procedure for changing the designation of land is regulated by the Land Code and other

relevant regulations. At the same time, regulatory means the existence of established procedures and requirements that govern the process of changing the designated purpose of land. This may include requirements for submitting documentation, the procedure for holding public hearings, terms and conditions for making decisions, etc. Following these procedures helps to ensure transparency and legitimacy of all actions related to the change of land designation.

Adherence to the principle of legality and regulation is important for several reasons. First, it ensures the protection of property rights and the interests of agricultural producers. Second, it helps to avoid conflicts and negative consequences for the environment and citizens. Third, it contributes to the development of a stable and progressive agricultural sector.

Thus, legality and regulation are important principles of agricultural land use change. Adherence to these principles helps to ensure transparency, legitimacy and stability in the process of land use change, which is key to the sustainable development of the agricultural sector and the overall well-being of society.

3. The Principle of Publicity and Transparency

Publicity and transparency are recognised as one of the key principles in the process of changing the designated purpose of agricultural land. These principles determine not only the degree of accessibility of information about changes, but also the active participation of the public in decision-making that affects land use. This paper will discuss the importance and role of publicity and transparency in changing the designated purpose of agricultural land.

First of all, publicity and transparency ensure public participation in decision-making. Public discussions and stakeholder engagement allow for the consideration of different views, interests and needs, which contributes to more informed and balanced decision-making. Furthermore, publicity and transparency contribute to increasing public trust in land management. When processes of changing the designated purpose of land are open and transparent, it contributes to a sense of fairness and efficiency in the management of these resources.

In addition, publicity and transparency are an important element in preventing corruption and malpractice. Openness in land reclassification processes makes it more difficult for undue interference or abuse to occur, which contributes to a more transparent and fair environment for all stakeholders.

The implementation of the principle of publicity and transparency involves a number of measures. This may include holding public hearings, consultations with stakeholders, and providing broad access to information on all aspects of land redesignation. In addition, it is important to ensure transparency in decision-making and to make data on land redesignation processes available through open platforms, reports and other communication tools.

Thus, publicity and transparency are essential principles in changing the designated purpose of agricultural land. They ensure public participation in decision-making, increase trust and prevent corruption. Adherence to these principles is important for creating a fair, efficient and sustainable land management environment.

4. The Principle of Balanced Interests and Environmental Sustainability

Balancing interests refers to the need to consider and reconcile the different parties involved in land use. These may include rural communities, agricultural enterprises, environmental organisations, government agencies and other stakeholders. It is important to ensure that all of these interests are taken into account and reflected in the decisions made.

First, balancing interests means avoiding prioritisation of certain interests over others. For example, when changing the designated purpose of land, it is important to take into account both the development needs of rural communities and the importance of preserving natural ecosystems and land resources. Second, balancing interests involves finding compromises and alternative solutions. In the event of a conflict of interest, the parties should seek a common solution that satisfies everyone. This may involve entering into agreements, developing comprehensive development plans, or seeking compromises in the distribution of land resources. Third, balancing interests requires openness and transparency in decision-making. The public should have the opportunity to participate in discussions and decision-making on the designated use of agricultural land. This helps to ensure legitimacy and increases the level of trust in the decisions made.

Thus, the balance of interests is a key principle when changing the designated purpose of agricultural land. Adherence to this principle contributes to the creation of sustainable and effective solutions that take into account the needs of all stakeholders and contribute to the sustainable development of the agricultural sector.

At the same time, the principle of environmental sustainability is one of the key principles in this process, as it reflects the need to preserve natural

resources and avoid negative environmental impact.

Before any changes in the designated purpose of agricultural land are made, an environmental impact assessment must be carried out. This assessment helps to identify potential risks and impacts on the natural environment resulting from changes in land use. It is important to take into account aspects such as biodiversity conservation, soil fertility, water quality and avoidance of environmental pollution.

The implementation of the principle of environmental sustainability in the process of changing the designated purpose of agricultural land contributes to the balanced development of rural areas, conservation of natural resources and improvement of the quality of life of the population. This is an important prerequisite for the sustainable development of the agricultural sector and the maintenance of ecological balance in rural areas.

5. The Principle of Compensation for Losses and Stability of Rights

The principle of compensation for losses means that in the event of a change in the designated purpose of land that may lead to losses for agricultural producers, they are provided with appropriate compensation for the lost land area or loss from the cessation of agricultural activities. This may include financial compensation, provision of alternative land plots, or other forms of compensation that allow agricultural producers to maintain their businesses and income.

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Thus, the principle of compensation for losses is an important mechanism in the process of changing the designated purpose of agricultural land. Adherence to this principle helps to ensure fairness, protect the rights of agricultural producers and preserve sustainability in rural communities.

The stability of rights is reflected in the preservation and protection of ownership and use rights to a land plot during the change of its designated purpose. This means that the owners have the right to eliminate any unforeseen or unjustified changes in the legal status of their land rights during the process of changing the designated use.

Stability of rights is critical to ensure reliability and transparency in the process of changing the designated purpose of agricultural land. This principle helps to avoid cases of discrimination and unfair practices by state or commercial entities in relation to land ownership. Stability of landowners' rights provides them with a sense of security and confidence in the future regarding their own rights. This contributes to the sustainable development of agricultural enterprises and promotes investment in the agricultural sector (Krasnolutskyi, Yevsiukov, 2012).

In this way, ensuring the principle of stability helps to protect the rights of landowners and create favourable conditions for the sustainable development of the agricultural sector.

6. The Principle of Efficient Use of Resources

Efficient use of resources involves the rational planning and use of land plots, taking into account their potential and purpose. For example, land with high fertile soils can be used to grow high-yielding crops, while less fertile areas can be used for pasture or forestry.

Efficient use of resources also includes measures to protect and conserve natural resources, including soils. Ensuring the sustainable use of soils and avoiding their degradation is important for maintaining the fertility and productivity of land plots in the future.

Efficient use of resources also includes the promotion of innovation and the use of advanced technologies in agriculture. The introduction of modern methods of soil cultivation, fertilisation and disease control can increase land productivity and reduce resource consumption.

In view of the above, adherence to this principle contributes to the rational use of land resources, preservation of natural ecosystems and creation of conditions for sustainable agricultural development. The benefits of efficient resource use are evident in ensuring the productivity and sustainability of the agricultural sector.

7. Conclusions

Changing the designated purpose of agricultural land is a complex process that requires careful analysis, consultation with various stakeholders and consideration of various aspects, including economic, environmental and social impacts. Proper application of these principles contributes to sustainable development and preservation of land resources for future generations.

Obviously, the conversion of degraded and unproductive land, which is lower quality land, should be done with caution. This is only appropriate

if it does not lead to structural breaks or undesirable interference with surrounding farmland.

For non-agricultural purposes, it is recommended to allocate plots of degraded or unproductive agricultural land bordering the road network or settlements. This will avoid obstacles to the efficient use of surrounding agricultural land and the implementation of nature conservation measures, while minimising the loss of agro-landscape integrity.

The final resolution of environmental and economic issues related to changing the category of agricultural land should be made only after the adoption of relevant legislation, in particular the Law of Ukraine "On Changing the Designated Purpose of Agricultural Land", as well as a methodology for determining the quality of lower-level agricultural land. These documents will serve as the basis for the development of relevant

sections of urban planning and land management documentation, as well as local development rules.

It should be borne in mind that the priority of agricultural land use provides not only economic benefits, but also contributes to environmental sustainability and ecological balance in the regions. However, for effective land management, various factors, such as economic need, environmental aspects and social requirements, need to be taken into account. It is only through a balanced approach that sustainable use of land resources can be ensured and the overall well-being of society can be achieved.

Thus, the study emphasises the importance of reasonable and sound land management, taking into account the needs of modern society and the requirements of sustainable development.

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