
**DEVELOPMENT OF LAND LEGISLATION
AS A CONDITION FOR STRENGTHENING
UKRAINE'S DEFENCE RESILIENCE**

Sharyi G. I., Kariuk A. M., Mishchenko R. A.
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INTRODUCTION

Modern institutions and individual institutions of land legislation in Ukraine create conflicts of law, ambiguous interpretations, often have no direct effect, and in case of their violation, legal consequences.

Under the current land relations in society, protest sentiments are forming, attention is being drawn to social injustice and corruption, shadow trading of land rights and the underground land economy.

In recent years, Ukraine has seen a sharp decline in natural soil fertility, an increase in land parcelling and long-distance farming, and a reduction in the area of reclaimed land, perennial crops and forest reclamation plantations.

The research is aimed at overcoming the crisis in the land sector, which is exacerbated not only by the war, but also by unfair land rents, unfair land taxes and payments. Changes to the rules of the game in the land sector have been identified and proposed, and environmentally friendly, socially just and environmentally oriented land legislation has been developed and adopted. The unwillingness of citizens to fulfil their constitutional obligations must be incompatible with land ownership.

PRESENTATION OF THE MAIN MATERIAL

Political populism and extreme liberalisation of land relations in Ukraine over the past 30 years, for the sake of political dividends for the ruling elite, have led Ukraine's land relations into institutional traps¹.

According to the authors and many scholars, the Ukrainian government not only failed to fulfil its constitutional duty to protect part of Ukraine's land from

¹ Корольова В.В., Кисляк Є.В. Україна та її розвиток в умовах Євроінтеграції. *Правничий вісник університету «Крок»*. 2020. № 38. С. 125–132. URL: <https://dspace.krok.edu.ua/handle/Krok/2843> (дата звернення 15.01.2025).

aggression, but also failed to bring the land out of the economic underground, allowing a consumerist and opportunistic attitude towards the natural fertility of arable land, where unfairly distributed land rent is consumed by land users rather than the people of Ukraine, and unfair land taxes and land payments are in place².

The parcelling of agricultural land as a result of land distribution and the redistribution of state-owned land reserves for private farming, fragmentation, strip farming, smallholdings, and distant fields are the result of ill-conceived reforms and land transformations over the last 35 years of land reform.

The current land issues are becoming particularly acute, as the redistribution of land to farmers, a third of whom still do not have the means to cultivate it but do have income, and corrupt privatisation without compensation are causing concern among the landless majority of the Ukrainian people, who are constitutionally entitled to land and who defend the state, while those who have emigrated abroad do not lose their land rights in Ukraine..

The Land Code of Ukraine has not established a legal framework that corresponds to contemporary social relations and contemporary geopolitical, and especially military, challenges. At the time of its adoption, the 2001 Land Code lagged years behind social needs and current events and drove land relations into a series of legal traps..

Thus, the 2001 edition of the Land Code regulated land relations on agricultural land from a socialist perspective, legalising land division and almost completely ignoring the spatial development needs of industry, urbanised areas, easement relations, mortgages and the inclusion of land in economic circulation, the need to capitalise land relations on a market basis, which would ensure the movement of land as the main means of production to legal entities that would ensure the most rational, highly productive and efficient use of land, combining private, public, social and state interests in line with the development of ecological, food, economic security and defence geopolitical stability of Ukraine.

It was precisely the ambiguity and injustice of the land issue resolution in favour of the national bourgeoisie that undermined the stability of Ukrainian governments and rulers during many political struggles for Ukraine's independence. Conversely, political forces that acted in favour of socialisation and land equality, as well as the nationalisation of land, came to power with the support of empires and conquerors, because for Ukrainian peasants, land issues were more important than geopolitical and national issues.

² Коваленко Т.О. Юридичні дефекти земельно-правових норм: підходи до класифікації. *Вісник Академії адвокатури України*. 2011. № 2. с.237–240: URL: http://hbuv.gov.ua/UJRN/vaua_2011_2_44 (дата звернення 10.01.2025).

For example, one of the remnants of the past is the continued use of state and communal land by private enterprises that are the legal successors of former state-owned enterprises and institutions that had a social, industrial, recreational, and health-related focus. Currently, commercial structures conduct commercial and production activities on state-owned land without any socially significant component, often at odds with public interests. The legislator must eliminate the category of permanent use, transferring state-owned land to the ownership of state-owned and municipal enterprises and institutions, or on lease terms for use by private entities and public organisations.

The issue of establishing a comprehensive state land cadastre requires legislative regulation. In the absence of strict mandatory rules for registering land plots, land users and landowners have incomplete land and urban planning cadastres. The cadastral trap has affected land statistics reporting, which the state has not collected since 2016, and the system of filling budgets from land payments.

Rational state regulation of systematic land development requires mandatory completion of the State Land Cadastre and restoration of State statistical land reporting and cadastral objective market valuation of land for taxation and land circulation and turnover purposes.

Inaccurate cadastral maps and the registration of private land plots in the absence of inventory and registration of state-owned forest, water and nature reserve lands, transport and defence lands, and lands of historical, cultural and recreational significance have also created registration and cadastral problems.

Thus, when conducting an inventory of the lands of the State Enterprise 'Forests of Ukraine,' it is impossible to complete the specified work due to the large number of 'overlaps' and erroneously or deliberately entered land plots that overlap existing forest areas, lands of the nature reserve fund, state lands of the Ministry of Defence, including surface water bodies and roads. Lands of historical and cultural significance are located under historical and cultural heritage sites, which include thousands of burial mounds, memorial burials, and archaeological sites, most of which have not been inventoried and are not marked on cadastral plans and maps.

The current methods of normative monetary valuation (NMV) of agricultural land do not correspond to the economic essence of land relations. As a result, NMA is underestimated by 5-6 times and brings rent to a level of 10-20% or more of NMA (capitalisation terms indicate rent levels of 2-3-5% of land valuation in EU countries)..

Table 1 shows the results of land auctions for the right to lease municipal land in the Poltava region, where the lease payment exceeds the NGA of land plots..

Table 1

**Results of lease rights auctions in Poltava region
September – October 2025**

Winner	Date of trading	Arable land area, hectares	Amount ths. UAH.		Notes (addresses, land plots)	Average rent ¹ hectares / ths. UAH.
			Start	Actual		
Farm Enterprise «Raduga»	16.09.25	3,29	19,1	100,2	Poltava Raion Skorokhodivska Hromada	≈ 32,0
LLC «Vera-Tas»	23.09.25	5,12	20,1	189,6	Reshetylivka Poltava Raion	≈35,0
LLC 'Demetra-Veles'	10.10.25	11,01	46,1	550,0	V. Bahachka Myrhorod Raion	50,0
LLC «Agro-Peremoga»	16.10.25	11,5	40,2	437,0	Zavodska City Hromada Myrhorod Raion	41,0
LLC «Agro-Peremoga»	17.10.25	17,4	60,8	578,0	-/-	35,0
Farm Enterprise «Pishchane-Agro»	17.10.25	18,1 (pasture)	85,6	255,0	Pishchanska Hromada Kremenchuk Raion (Pastivnyk-supisok (pasture sandy loam))	14,0
LLC «Erder»	22.10.25	20,0	97,0	590,0	Nekhvoroshchanska Hromada Poltava Raion	29,5

The imperative determination of the normative monetary valuation (NMV) by the Government of Ukraine underestimates land taxes (absolute rent) for the people of Ukraine and lease payments to private landowners for communal and state-owned lands. Similarly, the NMV of lands in many towns and villages of Ukraine has become outdated.

In Poltava, the normative monetary valuation (NMV), conducted over 15 years ago, has also lost its economic relevance in the context of the city's spatial development. Indexation, without consideration of valuation zones, sets an average normative monetary value per square meter of the city at approximately 4,000 UAH. Under the conditions of war, this drives land payments into the shadow economy, hinders land acquisition, and results in unfairly undervalued or overvalued land payment levels in many parts of the city. Over the past 15 years, changes have occurred in economic activity zones, centers of economic gravity, sanitary protection zones, and many other urban planning conditions and factors influencing restrictions and encumbrances.

The regulations on free privatization have revealed and continue to reveal an economically and socially destructive nature in the gratuitous redistribution of state and communal lands for personal peasant farming (PPF) and communal lands for construction purposes. The original and intended nature of PPF—as solely the personal labour of a citizen without leasing or resale—has been lost and distorted.

Agricultural lands were gratuitously allocated by the State Service of Ukraine for Geodesy, Cartography and Cadastre (StateGeoCadastre), often following corrupt schemes, to residents of Odessa, Kyiv, Poltava, and other cities through village councils in the Poltava region, for the purpose of resale and speculation. As a result, rural communities partially lost communal reserve lands and sources of local development. Lands that had belonged to local peasants for generations were privatized for personal peasant farming (PPF) by residents of other regions who had long emigrated, and these lands were often resold two to three times within a single year, mainly in speculative and shadow-market transactions. Additionally, the redistribution of lands by the StateGeoCadastre through executive orders to establish farm enterprises caused particular problems, as it destroyed state-owned enterprises, deprived rural communities and local peasants of land, and concentrated thousands of hectares in a single hands across various land plots..

The absence of regulations on indivisible inheritance, land indivisibility, and consolidation has led to the parcelling of previously intact land blocks, which has negatively affected agricultural practices and halted reclamation works on irrigated and drained lands (Fig. 1).

In Ukraine, there is currently a large-scale occurrence of waterlogging and spontaneous afforestation of natural fodder lands (hayfields and pastures) as well as arable lands, while, on the other hand, tens of thousands of hectares of meadows have been ploughed without authorization. Phenomena of flooding and desertification have become widespread. The degradation of agricultural lands requires state monitoring and control, the restoration of the national land reclamation system, the introduction of economic incentives and sanctions, as well as the maintenance of state land statistical reporting.

The effect of land management regulations regarding land protection can be omitted from discussion, as most of them lack effective mechanisms and legal consequences for influencing land relations. Under the pressure of artificial interventions, natural soil fertility not only rapidly declines but also leads to soil degradation, land desiccation, soil fatigue, and soil toxification. An example of a typical crop structure can be observed in the Poltava region (Table 2).



Fig. 1. Land Use Plan of Agricultural Lands of the Rashiv Starostate of the Lutenka Village Council with Delineation of Land Users

Table 2

Agricultural Land Use in Poltava Region, 2000–2024 (thousand hectares)

	2000 year	2013 year	2024 year
Agricultural Lands	2186,5	2166,0	2233,0
Perennial Plantations	12,5	8,8	6,1
Sown Areas	1560	1302	1729
Maize	340	402	528
Sunflower	163	251,2	384
Soybean	80	192,8	285
Rapeseed	2,0	8,1	47,0
Perennial Grasses	109	35,0	26,9
Winter Wheat	403	235	259
Pea	18,0	6,5	9,4
Organic Fertilizers Applied (thousand tons)	2319,0	1566,2	1400

The shadow economy has severely impacted strategically important lands in Ukraine, such as those of the Ministry of Defense, which have decreased multiple times compared to 1990, primarily outside the legal framework. Despite evident violations during the redistribution of defense lands, law

enforcement agencies have been slow to return strategically important lands to the state, even under wartime conditions. Consequently, the redistribution of these lands occurred largely through corrupt schemes.

In the absence of reliable statistical information on the state of lands, landowners, and land users, it is difficult to implement rational state regulation of land relations and even more challenging to develop a crisis land management system in border and frontline territories.

It is also evident that the unlimited ability of individuals to acquire homestead and dacha plots, personal peasant farming (PPF) plots, and land shares in a single hand creates a situation—especially in border areas—where certain citizens purchase 50 or more homesteads in villages for next to nothing, taking advantage of extreme rural poverty. As a result, former dacha cooperatives and rural settlements are replaced either by “manorial” estates or, conversely, by wastelands, “transboundary corridors,” and plots along the border that remain uncontrolled by the state.

Tens of thousands of plots, including homesteads, land shares, and personal peasant farming (PPF) lands, have not been used for their intended purpose for years. Millions of plots remain outside official registries and cadastres, and there are no effective legal mechanisms for their reclamation. Similarly, society demands regulation and the nationalization of land ownership from citizens who act or have acted against the interests of our country.

The examples presented represent only a small portion of the land-related problems that the 2001 Land Code has failed to address, despite numerous amendments and additions in recent years. Over 24 years, the Verkhovna Rada of Ukraine has amended the Land Code more than 70 times. Nevertheless, the current code remains one in which transitional provisions outweigh the codified norms of the Land Code in terms of volume.

Ukrainian scholars pay particular attention to the branch of law represented by land legislation, even recognizing a separate scientific discipline—“Land Law.” Throughout all stages of historical development, land relations have played a decisive role in Ukrainian society, particularly during periods of military upheaval, which have exacerbated land-related issues. For Ukrainians, land policy represents both the alpha and omega of political life, and the fair resolution of land issues determines the political and social stability of the authorities, as well as their support from citizens and civil society.

Ukrainian scholars study and analyse the current state of the Ukrainian land legislation system and the development of land relations in the context of European integration. In this regard, V. V. Korolyova emphasizes

the fragmentation of the norms regulating land relations, noting the inadmissibility of numerous legal conflicts and highlighting the need to revise approaches to the classification of normative legal acts within Ukrainian land legislation³.

T. Kovalenko, in studying the legal aspects of adapting Ukrainian land legislation to EU law, emphasizes the necessity not merely to borrow Western “legal products,” but to improve the established national legal foundations while taking into account the development of the legal framework in EU countries⁴.

V. Nosik emphasizes the need for a transformation of Ukrainian land law in connection with the transition to the paradigm of Sustainable Development Goals (SDGs), proposing that, in place of the Land Code, laws such as “On the Ownership of Land by the People of Ukraine”, “On Land Use in Ukraine”, and a number of others should be adopted. This is due to the fact that the norms enshrined in current land legislation do not ensure the effective functioning of land law and related legal frameworks⁵.

Legal, logical-structural, and technical-legal defects of the current land law have been noted by many scholars. For instance, A. Myroshnychenko identifies defects particularly in terms of gaps, duplication of norms, the existence of legal conflicts (deacidification), the declarative nature of norms, and the excessive detailing of behavioural models⁶⁷. The presence of legal conflicts and the over-detailed behavioural models in the fields of land management and land surveying expertise have resulted in large-scale land corruption.

At the same time, as A. M. Tretiak has noted, the necessary standards and procedures in the field of land management have still not been developed⁸.

Y.O. Shevchenko highlights the main conflicts and shortcomings in the legal regulation of land valuation, noting the lack of comprehensive regulation of land appraisal activities, where substantive law norms prevail over procedural

³ Носік В.В. Земельне право і Законодавство України: системна криза чи зміна парадигми в умовах реалізації цілей сталого розвитку в Україні до 2030 року. *Право України*. 2020. № 5. С. 76-90. URL: http://nbuv.gov.ua/UJRN/prukr_2020_5_8 (дата звернення 6.01.2025).

⁴ Мірошніченко А.М. Колізії в правовому регулюванні земельних відносин в Україні: монографія/ А.М. Мірошніченко. Алушта: КНТЦУХ, 2009. 268 с.

⁵ Сидор В.Д. Колізійність земельного законодавства України, як перепона на шляху його розвитку. *Вісник Запорізького національного університету*. № 2. 2011. С. 90–94.

⁶ Шевченко Я.О. Сучасний стан правового регулювання оцінювання земель в Україні. *Науковий вісник Міжнародного гуманітарного університету*. Серія Юриспруденція. 2015. №14. Т.2. С. 64–66.

⁷ Шарий Г., Вергунов В., Писаренко В., Самородов В. «Життя прожити не поле перейти» До 90-річчя Героя України Семена Антонця. *Світгляд*. 2025. №4 (114). С. 31–37.

⁸ Шарий Г., Писаренко В., Писаренко П., Самородов В. / Агроекологічні висоти Семена Антонця (1935-2025): монографія. Полтава, 2025. 84 с.

law norms. He also emphasizes the dialectical relationship between the norms of agrarian law and land law⁹.

Summarizing existing research, the current land legislation requires a modern legal concept and alignment with constitutional law norms, as well as adaptation and transformation in accordance with EU standards in the area of:

- the ecological modernization of the Land Code and land legislation norms concerning land protection based on the principles of sustainable land development, the formation of an environmental-economic system, and the introduction of a system of economic sanctions and incentives in the areas of land development, land reclamation and protection, afforestation, and forest reclamation¹⁰;
- the predominance of law protecting public interests and the interests of social necessity;
- termination of gratuitous privatization, limitation of legal capacity of violators regarding the seizure of land ownership, and the establishment of a legal framework for a socially just land system;
- land valuation, for any purpose, exclusively on the basis of market valuation principles;
- introduction of indivisible inheritance, land indivisibility, and land consolidation norms;
- establishment of mandatory land cadastre and sustainable as well as crisis land management in border and frontline territories with legal consequences;
- formation of a legal framework for systematic land reclamation, land revitalization, forest reclamation, and afforestation to preserve Ukraine's land-resource potential;
- Definition of a special state policy for the development of organic farming;
- definition of special regulation of land relations and the expropriation of lands for purposes of public necessity in cases of crisis land management in border and frontline areas, with the organization of special land management for buffer zones and strips of border and frontline communities;
- development of a special administrative-territorial and spatial structure, including the settlement network of border and frontline communities.

⁹ Шарий Г., Сорочун А., Угненко Є., Шевченко А. Модернізація геодезичних методів для відновлення енергетичної інфраструктури України. *Сучасні тенденції геодезії, землеустрою та природокористування*: праці міжнар. наук.-практ. конф. (Одеса, 19-20 червня 2025 р.). Одеса, 2025. С. 15-19.

¹⁰ Шарий Г.І., Угненко Є.Б., Сорочун А.І. Кошторис інвайроментальної економіки, як інструмент регулювання природокористування. *Сучасні технології землеустрою кадастру та управління земельними ресурсами: праці матеріали міжнародна наук.-практ. Конф.* (Київ, 13-14 березня 2025 р). Київ, 2025. С. 140-142.

The basis of land management is geomatics, and the foundation of geomatics is geodesy and the activities of the state service in the field of geodesy and cartography.

By Resolution № 227 of the Cabinet of Ministers of Ukraine dated September 24, 1991, the enterprises of the Main Administration of Geodesy and Cartography of the USSR were transferred to the State Property Fund. On November 1, 1991, by Resolution № 306 of the Cabinet of Ministers of Ukraine, the Main Department of Geodesy, Cartography, and Cadastre under the Cabinet of Ministers of Ukraine was established, consisting of a central office with 7 staff members, the State Geodetic Supervision Inspectorate with 13 staff members, and 12 enterprises.

Over time, the modern enterprises “Aerogeodesy” and “Geodesy, Cartography, and Informatics” were established.

Currently, in accordance with the decision of the United Nations General Assembly of 1947, independent geodesy and cartography services operate in 175 countries worldwide .

In Ukraine, the sharp reduction of budgetary funding beginning in 1997, despite the 1998 Law of Ukraine “On Topographic and Geodetic Activities,” further exacerbated the situation.

A major problem was created by the “secrecy” and the 1993 Agreement of Ukraine with the CIS countries, when the majority of cartographic materials were destroyed.

Eight reorganizations ultimately led to the dismantling of the geodesy and cartography service. In 2012, the State Service of Geodesy, Cartography, and Cadastre was once again liquidated and reorganized into a department within the structure of the State Land Agency, effectively bringing the activity in this area to a near halt.

Currently, in the context of war, the obsolescence of cartographic information significantly complicates the planning and conduct of military operations, as modern dual-use technologies constitute a key component of national security and defense.

The State Service of Ukraine for Geodesy, Cartography and Cadastre does not oversee a number of areas related to the development of the geodesy service, and these problems have been significantly exacerbated under wartime conditions.

Therefore, when carrying out geodetic and land reforms, it is necessary not only to take systematic steps forward but also to step back when needed—for example, by restoring an autonomous state service of geodesy and cartography.

CONCLUSIONS

The rational adoption and implementation of EU legal norms, the restoration of historically traditional institutions in the fields of geodesy and land management, and the formation of an environmental-economic system of land economy will allow the reform of land legislation in accordance with the current realities of social land relations. This will ensure the sustainable development of land-resource potential and the establishment of stable and equitable social relations in the land sector

This necessitates the development of a modern Land Code that would capitalize land relations, establish a socially significant mechanism for the fair redistribution of lands, and ensure their rational use, protection, and safeguarding in the interests of the people of Ukraine, the state, local communities, citizens, and society at large. Such a code would preserve land for future generations under the principles of sustainable land development and regulate land development in border and frontline territories.

Mobilization efforts of the domestic scientific community are required to develop a modern, sustainable, and socially oriented Land Code, along with mandatory norms for land management, cadastre, and geodesy. This should include special legal norms for the regulation of border and frontline territories, as well as the restoration of the autonomy of the state service of geodesy and cartography.

The valuation and integration of lands into the economic circulation should be accompanied by the creation of effective economic and ecological mechanisms, incentives for organic farming, rational and sustainable land use and development, and the enhancement of Ukraine's investment attractiveness.

SUMMARY

The research examines and analyses the current state of the institutions and specific entities of land legislation, highlighting existing conflicts, dualities, and ambiguities in interpretation, the absence of many directly applicable norms, and the overregulation by subordinate acts, some of which date back to the 1970s.

It has been determined that a large portion of land legal institutions do not entail legal consequences and are characterized as liberal, allowing legal entities, landowners, and land users to act in ways that contradict public interests, undermining Ukraine's ecological, food, economic security, and military resilience.

It has been demonstrated that numerous and often contradictory subordinate acts in the sphere of land relations, cadastre, and geodesy, as well as the absence of effective mandatory norms for the land cadastre and land management, lead

to a shadow economic circulation of land and economic underground activities, misuse of land, depletion of natural soil fertility, undervaluation of land for taxation purposes, and irrational and inefficient use of Ukraine's natural-resource land potential.

These land-related problems require the reformation of land policy in Ukraine and the development of a modern Land Code, the implementation of special and crisis land management in border and frontline territories, and the strengthening of social justice in the land sector.

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Information about the authors:

Sharyi Ggrigoriy Ivanovych,

Doctor of Economic Sciences,
Professor at the Department of Highways,
Geodesy and Land Management,
National University «Yuri Kondratyuk Poltava Polytechnic»,
24, Vitaliia Hrytsaienka ave., Poltava, 36011, Ukraine

Kariuk Alla Mykolaivna,

Candidate of Technical Sciences,
Associate Professor at the Department of Highways,
Geodesy and Land Management,
National University «Yuri Kondratyuk Poltava Polytechnic»,
24, Vitaliia Hrytsaienka ave., Poltava, 36011, Ukraine

Mishchenko Roman Anatoliiovych,

Candidate of Technical Sciences,
Associate Professor at the Department of Highways,
Geodesy and Land Management,
National University «Yuri Kondratyuk Poltava Polytechnic»,
24, Vitaliia Hrytsaienka ave., Poltava, 36011, Ukraine