

3. Уряд повинен забезпечити доступ до необхідної інформації та документації для проведення землеустрою. Це може включати створення цифрових баз даних, відновлення втрачених документів та забезпечення доступу до них для відповідних сторін.

4. Уряд повинен активно працювати над врегулюванням конфліктів у земельних відносинах, щоб уникнути подальших напруг та спорів. Це може включати медіацію, проведення переговорів та розробку компромісних рішень між сторонами конфлікту.

5. Уряд повинен розробити механізми підтримки для постраждалих від воєнного конфлікту у сфері земельних відносин. Це може включати компенсаційні програми для земельних власників, які зазнали збитків, та інші заходи для підтримки місцевого населення.

6. Україна може звертатися до міжнародних партнерів та організацій для отримання допомоги та підтримки у вирішенні проблем землеустрою під час воєнного конфлікту. Це може включати фінансову, технічну та експертну допомогу для відновлення зруйнованих інфраструктурних об'єктів та забезпечення стійкості в земельних відносинах.

Ці шляхи вирішення проблем землеустрою у воєнний час можуть допомогти забезпечити безпеку та стійкість в цій сфері та сприяти відновленню після воєнного конфлікту.

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REGULATION OF LAND RELATIONS UNDER MARTIAL LAW

The author analyses the main changes that have taken place in the current land legislation of Ukraine since the beginning of the full-scale invasion.

Keywords: land relations, land legislation, lease, martial law, land plot

Land is the most valuable asset in our country, as it is the primary factor of production and the key to economic development. In view of this, the regulation of land relations plays an important role under martial law, as it affects the security of not only the land and agricultural sectors, but also the entire country.

Regulation of land relations is one of the most important and strategic issues. The new realities require rapid response and adjustment in the context of martial law. Therefore, serious changes have taken place in a short time.

The rules for regulating peacetime land relations, when land allocation procedures take months, are proving to be ineffective and unsuitable for the new realities under martial law.

Under martial law, in order to ensure food security and economic stability, every sector of the economy needed a special regulatory system, and land relations were no exception.

The new reality of martial law required serious and rapid transformations in the current legislation to effectively regulate social relations. On 7 April 2022, Law No. 2145-IX "On Amendments to Certain Legislative Acts of Ukraine on Creating Conditions for Ensuring Food Security under Martial Law" came into force in Ukraine.

The purpose of this law is to improve certain procedures and simplify the procedure for acquiring the right to use agricultural land under martial law in order to use it effectively for commercial agricultural production and ensure food security of our country.

In particular, pursuant to Law No. 2145-IX, a number of agreements relating to lease, sublease, emphyteusis, superficies and land servitude of land plots, the term of use of which expired after the introduction of martial law, as well as agricultural land plots of both state and communal ownership, unclaimed and unallocated land plots, and privately owned land plots were renewed [1].

Law No. 2145-IX also sets out the conditions and requirements for the procedure for the formation of new land plots and the documentation on the basis of which such formation is carried out, as well as the conditions for the storage of such documentation. In particular, during the period when the functioning of the State Land Cadastre is suspended throughout Ukraine, in order to form a land plot for the purpose of leasing it, it is not necessary to enter information about such land plot into the State Land Cadastre (state registration) and assign a cadastral number to it. Such formation is carried out on the basis of technical land management documentation on land inventory, which must be approved by this body and developed by the relevant decision of the body authorised to transfer the land plot for lease. However, such technical documentation may not provide for the division or merger of land plots.

On 9 June 2022, Law of Ukraine No. 2247-IX "On Amendments to Certain Legislative Acts of Ukraine on Peculiarities of Regulation of Land Relations under Martial Law" came into force, which changed the rules for regulating land relations during the war.

The purpose of Law No. 2247-IX was primarily to introduce special rules for the ownership, use and disposal of land, which would ensure the most urgent and significant needs for land plots of entities that are of great importance to the national economy, the agricultural sector and the citizens of Ukraine under martial law. In addition, the purpose of this law is to establish a simplified system for establishing and changing the designated purpose of land plots, as well as leasing state and municipal land to accommodate production facilities of relocated enterprises; to create temporary accommodation centres for internally displaced persons; to conduct agricultural production; to ensure stable operation of gas transmission and distribution systems, water supply and sewerage, heat generation, electronic communications, etc.

Thus, in order to promptly relocate the production facilities of enterprises that have moved from the combat zone, the legislator allowed the transfer of state-owned and municipally owned land plots to such enterprises without holding land auctions. A similar right is granted to commodity agricultural production and construction of gas distribution, electricity, water supply, sewerage, heating, main gas pipeline facilities, electronic communications, and seaport facilities [2].

I would like to point out that one of the most important innovations was the change in the functioning of the State Land Cadastre under martial law. At that time, the StateGeoCadastre of Ukraine was granted the authority to suspend and resume the functioning of the State Land Cadastre.

To date, the State Land Cadastre has been restored, however, there are a number of peculiarities established by the Government regarding the entry of information into it, as well as the procedure for its publication and use. Thus, territorial communities of villages, towns, and cities have been given the opportunity to lease land plots granted to the territorial community in communal ownership without the need for state registration of ownership of such plots [3].

The issue of privatisation, as well as the forced termination of ownership of a land plot under martial law, is currently relevant.

During martial law in Ukraine, it is prohibited to transfer state-owned and municipally owned land plots into private ownership free of charge. Moreover, under the special legal regime, there is a ban on granting permits for the development of land management documentation for privatization.

Thus, during the period of martial law in our country, the legislation governing land relations has been repeatedly amended. Some restrictions introduced at the beginning of the special legal regime were eased by the legislator, while for other legal relations that have changed due to the war or that arose because of the war, new regulation was provided.

As we can see, the legislator has taken a systematic approach to the regulation of land relations under martial law, providing for a number of simplifications to ensure the functioning of the agricultural sector of the economy and the accelerated restoration of Ukraine's infrastructure, as well as many significant restrictions.

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РОЛЬ ЗЕМЕЛЬНОГО КАДАСТРУ У РЕГУЛЮВАННІ ЗЕМЕЛЬНИХ ВІДНОСИН ТА РЕАЛІЗАЦІЇ ЗЕМЕЛЬНОЇ РЕФОРМИ В УКРАЇНІ

Розкрито теоретичні основи ведення земельного кадастру й використання його даних, для забезпечення раціонального і ефективного використання земельних ресурсів в період реформування земельних відносин в Україні.

Ключові слова: Земельний кадастр, земельні ресурси, земельна реформа, земля, державний облік.