

TRENDS OF DEVELOPMENT OF AGRARIAN LAW OF UKRAINE

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In the article the issues of functioning of modern agrarian law of Ukraine are researched, trends on the improvement of legal regulation of agrarian relations in the scope of social development of village, as well as agrarian infrastructure and greening of agrarian production are proposed.

Agrarian law, social development of village, agrarian infrastructure, agro-environmental relations.

Agrarian law of Ukraine as the youngest legal-field in the system of national legislation, is continuing its development and adjustment in accordance with the modern socio-economical conditions. Propositions as to the improvement of legal regulation of relations within the agrarian branch of economy and social scope have been highlighted by the scholars in the field of agrarian law for many times. However, there are cases of failure of harmonization of agrarian-legal theory with the practice of agrarian law provisions application. Notwithstanding the fact of rather dynamic law-making activity, aimed at establishment of specialized (monistic) sources of agrarian law, the Ukrainian legislator currently failed to take into account a set of important aspects of agrarian relations.

Modern trends in the development of science of agrarian law certify the necessity of revaluation of the priorities on legal regulation of agrarian relations. The subject of agrarian law is not permanent, it is exposing to the on-going changes and shifts. The mentioned process is considered as regular.

Originally the subject of agrarian (agricultural) law was composed of land, property, labour, organizationally-administrative and other social relations in the scope of production of agricultural goods, that showed the complex nature of agrarian law. Currently, different agrarian and social relations that are closely connected with the latter are provided by the legal regulation of agrarian law that characterizes the agrarian law as independent legal field. The following social relations should be considered as agrarian: production of agricultural goods, maintenance of grocery security of the state. Meantime, social relations which are closely connected with agrarian are as follows: relations on servicing of agrarian production (agrarian infrastructure) and of sustainable development of village territories.

Adjusted organizationally-legal mechanism of providing of commodity producers with the productive-commercial and other services is the necessary precondition for the growing of efficiency of agricultural production. Leasing of agricultural techniques and equipment is considered to be especially perspective and actual trend of legal regulation of relations of agrarian infrastructure.

Still are observing their force those norms of agrarian law, which are addressed to the citizens who are engaged in the agrarian fields of production (cattle breeding and plant growing) and who are relevant to the social scope of village and live in the village area. Farmers should effectively and really meet favorable conditions for their cultural and aesthetic needs, take advantage from adjusted municipal and transport infrastructure, accessible medical servicing, qualitative education and recreation possibilities.

Additionally, the burning issue of modern Ukrainian agrarian law is the market of lands, in particular lands of agricultural purpose. Moratorium for the purchase and sale of lands of agricultural purpose has been continued for several times (currently its effects is till the 1 January 2016).

However, special law on lands market on these relations regulation has not been adopted yet. It is necessary to establish favorable conditions in order to interest farmer in adjustment of its own production and not of sale of its plot.

Development of current agrarian law should take into account challenges of modern society (dismal state of social scope of village and disappearance of farmers dynasties), economic conditions (absence of large agricultural production and imbalance of agrarian infrastructure), and environmental issues (excessive plow of agricultural lands, soil degradation, unsatisfactory of agricultural goods).

Basic drawbacks of agrarian law that should be primarily excluded are as follows: declarative character of norms-privileges in the scope of social development of village and government support of farmer commercial entities, drawbacks of legal regulation of agrarian leasing, absence of agrarian legal norms of incentive character, insufficient level of greening of norms of agrarian law, absence of effective economy-legal mechanism of protection of land of agricultural purpose, capable to provide stability of agro-landscapes.