

**ON THE ISSUE OF ESTABLISHMENT AND CHANGES OF BOUNDARIES  
OF ADMINISTRATIVE AND TERRITORIAL UNITS**

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*Scientific approaches to establishing and changing the boundaries of administrative-territorial units are analyzed. It is noted that the share of established and changed boundaries of settlements is over 73%. The actual level of the boundaries of settlements entered into the information of the State Land Cadastre is 32%, which indicates a significant number of administrative-territorial units whose boundaries are not established. This makes it impossible to achieve the goals of development of territories of both settlements and territorial communities.*

*Given that the boundaries of most settlements and territorial communities are not established, and when they change there are issues that can not be resolved under the existing system of legal documents and scientifically justify their establishment or change, which negatively affects community regulation of environmental and economically acceptable land use. The following changes to the normative legal documents are proposed: to provide for preliminary registration in the SCC of the project boundaries of the territories of settlements and territorial communities;*

*create opportunities to check the XML exchange file to establish (change) the boundaries of administrative-territorial units; establishment (change) of borders should be carried out taking into account the principles of public “administration” (especially self-organization of civil society).*

**Key words:** *administrative-territorial unit, boundary of territorial community, boundary of settlement, State land cadastre*

**Formulation of the problem.** The system of local self-government, which until recently existed in Ukraine, did not fully meet the needs of society. The functioning of local governments in rural communities and rural settlements could not create and maintain a favorable living environment necessary for comprehensive human development in rural areas, their self-realization, protection of their rights, providing local governments, their institutions and organizations, high quality and affordable administrative, social and other services in the relevant territories [1].

Currently, the system of local self-government in Ukraine has undergone significant changes. On June 12, 2020, the Cabinet of Ministers of Ukraine adopted orders on the definition of administrative centers and approval of the territories of regional communities. As a result, 1469 territorial communities have been created in the country, of which 31 are territorial communities in the uncontrolled territory within Donetsk and Luhansk oblasts [1].

According to the analysis of a number of legal documents governing the establishment and change of boundaries of communities and settlements, it was found that their content does not meet the needs of territorial communities and the state as a whole and requires finding ways to improve legislation, scientific justification for establishing and changing boundaries of rural communities and rural settlements.

A significant problem in the functioning of local self-government bodies in rural areas is still the lack of established boundaries of settlements and territorial communities. These are problems related to the authority to dispose of land, their irrational use, which is manifested in the exclusion of local government from

addressing issues in the field of land relations, increasing social tensions among the population [2].

Another, no less important problem is the transfer of new (project) boundaries of settlements proposed by the master plans, when there is a discrepancy between the project boundary and the existing boundaries of landowners and land users, land contours, which will further affect the rational use of land resources and sustainable development . This precedent raises the relevance of the study of this problem.

**Analysis of recent research and publications.** To solve this problem, we should analyze research and publications on establishing the boundaries of settlements and territorial communities, in particular: Tretiak A.M., Druhak V.M., Martyn A.G., Dorosh J.M., Dorosh O.S., Ibatullin Sh.I., Tretiak R.A., Malashevskyi M.A. and others.

In the manual Tretiak A.M., Druhak V.M., Tretiak R.A. “Formation of the boundaries of administrative-territorial entities” [3] highlights the legal regime of establishing and changing the boundaries of settlements of Ukraine, methods of their formation. Also analyzed the state and negative factors in establishing the boundaries of administrative-territorial entities, the formation of rational land use in settlements, the mechanism for developing project documentation on land management to establish the boundaries of villages, village councils and their economic and land interests [3].

In the publication of Martyn A.G. “Establishing the boundaries of administrative-territorial entities in Ukraine: problems and solutions” [4] considered the current state of indicators that determine and establish the boundaries of settlements in Ukraine and outlined areas for improving the organizational and methodological framework for their future development. It is proposed to create a geoinformation database on the boundaries of administrative-territorial units with objective data on their socio-economic and natural state, which will create a powerful toolkit of public administration and lay the foundation for optimizing the territorial organization of Ukraine in administrative-territorial reform [4].

In the scientific work of Malanchuk M.S., Didyk P.S., Malashevskyi M.A. “Changing the boundaries of administrative-territorial entities in modern conditions” analyzes the work on changing the boundaries of settlements of Ukraine [5]. In particular, the current legislation in the field of urban planning to change the boundaries of administrative-territorial entities was subject to research. They carried out work related to changing the boundaries of settlements using modern technologies based on instrumental and aerial photography methods. Geotagging of old rasters in the Digitals software, which is an important part of the process of changing the boundaries of administrative-territorial entities, was also performed. A mechanism for changing the boundaries of settlements has been developed, which allows to carry out this type of land management work reliably and objectively [5].

Dorosh O.S., Ibatullin Sh.I., Tarnopolskyi E.A. and Kharytonenko R.A. in the article “Practical aspects of establishing (changing) the boundaries of administrative-territorial units” [6] investigated the process of establishing (changing) the boundaries of settlements on the example of the village of Mala Vilshanka Bila Tserkva district of Kyiv region. To do this, they studied the following materials: master plan, project of forming the boundaries of the village council and establishing its boundaries, cartographic and topographic data, as well as information from the state land cadastre, land records and conducted a detailed analysis. Based on the above, it was determined that there is a need to combine urban planning and land management documentation into a single system of spatial planning for appropriate conditions of territorial development of settlements and eliminate inconsistencies between these processes [6].

Dorosh O.S. In the scientific work “Methodological approaches to the development of land management projects to establish (change) the boundaries of administrative-territorial units” analyzed in detail the state of work related to the establishment (change) of boundaries of administrative-territorial units in Ukraine, identified problems in this process and proposed scientifically-based methodological approaches to the development of land management projects to establish (change) the boundaries of administrative-territorial units [7].

Establishing the boundaries of territorial communities, as well as settlements are critical elements of decentralization and its successful completion. Given the current changes in legislation, the reform of administrative-territorial units and the emergence of a new entity - a united territorial community, the question of research on this issue remains relevant.

**The purpose of the study** is to analyze the scientific principles, status, identification of problematic issues to establish (change) the boundaries of administrative-territorial units, as well as provide practical proposals for their solution.

**Results of research and discussion.** Granting territorial communities the right to dispose of land resources within their territory, to unite their property in the framework of cooperation of territorial communities to implement joint programs, ensure sustainable development, more efficient use of land resources are guidelines for the desired outcome of decentralization reform. and the provisions of the European Charter of Local Self-Government.

Ensuring the implementation of land management functions in the field of land protection, sustainable development, sustainable land use planning is impossible without a scientific basis for rational and efficient land use. Establishing and changing the boundaries of territorial communities and settlements is one of the tools of strategic planning for sustainable land use, ensuring land use taking into account environmental and economic requirements and achieving sustainable development goals.

Land management projects to establish the boundaries of territorial communities are approved by village, town, city councils of adjacent territorial communities and approved by the village, town, city council, representing the interests of the territorial community whose boundaries are set [1]. According to the research of the statistical yearbook of monitoring land relations in Ukraine, it is established that all boundaries are defined for cities of regional importance in Zhytomyr, Rivne, Kherson, Khmelnytsky, Chernihiv, Chernivtsi, Sumy, Zaporizhia, Zakarpattia regions. For all

rural settlements the boundaries are defined in Chernihiv, Cherkasy, Rivne, Khmelnytsky, Zakarpattia, Ternopil, Sumy regions [8].

In Ukraine as a whole, the share of established and changed boundaries of settlements is over 73%. The actual level of boundaries entered in the State Land Cadastre is 32% [8]. The reasons for this difference should be identified at each level of the administrative-territorial unit. According to Article 133 of the Constitution of Ukraine, the system of administrative-territorial organization of Ukraine defines: the Autonomous Republic of Crimea, regions, districts, cities, districts in cities, towns and villages [9]. Territories of territorial communities do not yet belong to this list. However, in their content they are part of the territory of Ukraine, which is the spatial basis for the organization and activities of local executive bodies and local governments. Therefore, the territories of territorial communities should also be included in the system of administrative-territorial organization of Ukraine. Given that each of these administrative-territorial units has its own specifics and features in the establishment (change) of boundaries, we will conditionally divide them into levels to identify existing problems in each of them.

The first level includes the boundaries of settlements - cities, towns, villages, the second - the boundaries of territorial communities and administrative districts, the third - the boundaries of regions and cities that are regional centers or have a special status, and the fourth - the establishment ( demarcation) of the borders of the state border of Ukraine.

The following problems are typical for the first level when establishing (changing) the boundaries of settlements (Fig. 1):

- 1) there is a problem of transferring new (project) boundaries of settlements proposed by the master plans, when there is a discrepancy between the project boundary and the existing boundaries of landowners and land users, land contours, boundaries of village councils. When clarifying such boundaries when developing a land management project to establish (change) the boundaries of administrative-territorial units, the boundary is actually redesigned according to the master plan so that it corresponds to the boundaries registered in the State Land Cadastre;

2) there is a problem when entering this project boundary in the information of the State Land Cadastre (hereinafter - SCC). Since the decision to approve the boundaries of the relevant village, settlement, city council, approval by the district state administration and approval by the district council in the DZK, registration of land plots continues. This sets a precedent that at the time of the introduction of the new border, it can divide the land plots that were included in the information of the SCC already in the period of approval and approval of the border. Accordingly, after passing all the approval and approval procedures at the time of entering the information into the SCC, a precedent is set for refusing to enter such a limit, as it divides the existing land plots.

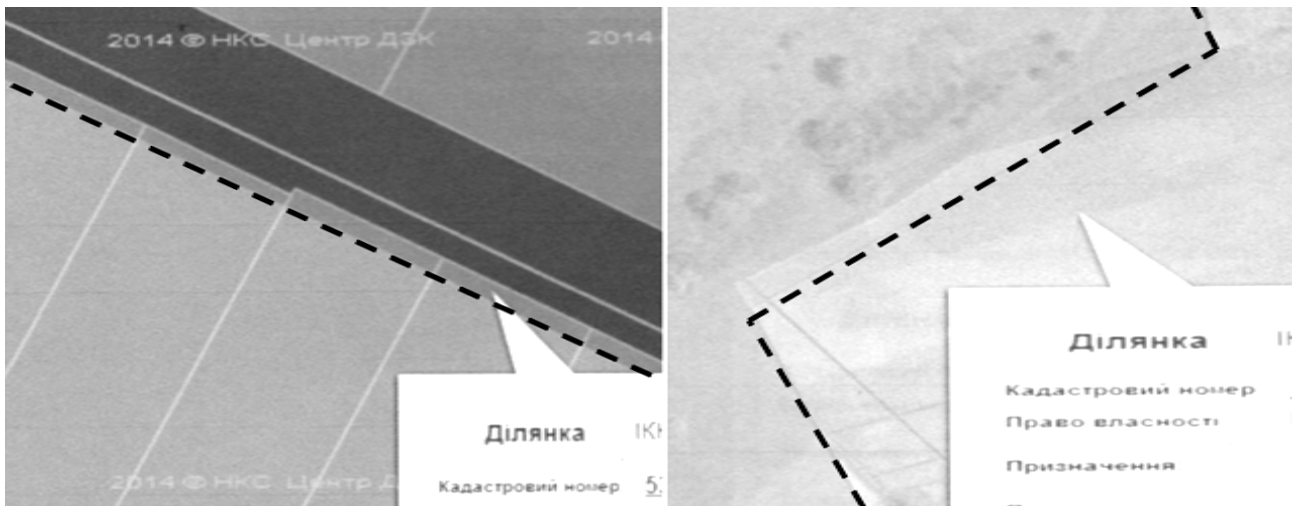


Fig. 1. Example of crossing the boundaries of the settlement of land plots that were entered into the information of the State Land Cadastre after the agreed boundary of the settlement of the relevant council, but not included in the cadastre.

At the second level, when establishing the boundaries of the territories of territorial communities and administrative districts, similar components of the problem that were highlighted when establishing the boundaries of settlements are also preserved and transferred to this level. There are other problems related to the coordination of the boundaries of previously established village councils, boundaries in accordance with the official portal “Decentralization”, the boundaries of the index cadastral map, etc., which must be standardized and lead to a single scientifically sound boundary through land management (Fig. 2).

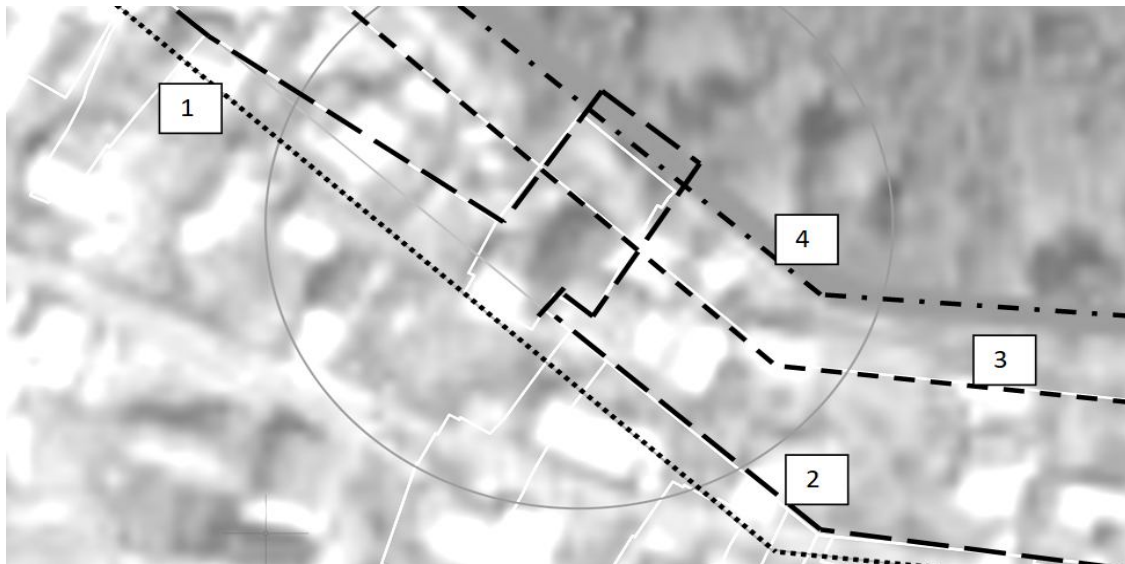


Fig. 2. Example of coordination of borders at the second level (territories of territorial communities, administrative districts), where 1 - borders of territories of village, settlement councils; 2 - the boundaries of the index cadastral map; 3 - borders from the official portal “Decentralization”; 4 - scientifically sound limit in the development of relevant land management documentation

At the third level, when establishing (changing) the boundaries of oblasts, problematic issues that were not resolved at the previous levels will be partially transferred. The fourth level on the demarcation of the state border will also be affected by previous levels, but this level has its own specifics in determining the boundaries of the border, which takes place at the level of joint demarcation intergovernmental commissions, which requires separate study.

Summing up, we can identify common problems in establishing (changing) the boundaries of administrative-territorial units, which include [2,6,10]:

- transfer of new (project) boundaries of settlements proposed by the master plans (there is a discrepancy between the project boundary and the existing boundaries of the formed land plots of landowners and land users), contours of lands;
- the absence of a significant number of entered boundaries of settlements and territorial communities in the information DZK;
- generation of conflicts in the absence of agreements between neighboring communities and settlements;



- the problem of registration of land plots in the SCC until the moment of entering information on the establishment (change) of the boundaries of the settlements of territorial communities in the SCC;

- lack of a single methodology for establishing (changing) the boundaries of the territories of administrative-territorial units.

Solving these problems is possible through the development of a comprehensive plan for spatial development of the territorial community (which is both land management documentation and urban planning documentation at the local level), as its development provides for the possibility of establishing or changing the boundaries of settlements without a separate land management project. An important component of this type of documentation is the definition of functional zones as a basis for determining the purpose of land and land and the establishment of zones of restrictions on land use [2, 10]. The development of a comprehensive plan should be mandatory, as the plan determines the legal regime of land use in the community. The development of such a document should be based on the concept of spatial development of the community. Also address land management issues, shape the urban landscape and determine infrastructural development and set urban constraints. In addition, a comprehensive plan of spatial development of the territorial community includes functional zoning of territories. This eliminates the need to develop an additional document.

**Conclusions.** The introduction of scientifically sound proposals to improve the process of establishing and changing the boundaries of administrative-territorial units is considered appropriate in the development of land management projects to establish the boundaries of territorial communities, administrative-territorial units, and in developing comprehensive spatial development plans. In the future, this will allow implementing programs for the rational use of land resources and sustainable community development.

The rights of landowners and land users must be taken into account when making project decisions and approving them by local self-government bodies. The boundaries of land plots that potentially intersect with the project boundary of the

settlement or territorial community affect the design decisions and change them. Therefore, it is important to take into account the principles of “public administration”, namely: a) the principle of self-organization of civil society; b) the principle of feedback.

In order to improve the current legislative support in establishing and changing the boundaries of administrative-territorial units, it is proposed to implement the following measures:

- to introduce preliminary registration of intentions (before approval by the village, settlement, city council) on a separate layer in the State Land Cadastre to establish changes in the boundaries of the administrative-territorial unit of the relevant land management documentation;
- to establish prohibitions on the implementation by the State cadastral registrars of registration actions in respect of other land plots that intersect with the project boundary of the administrative-territorial unit;
- provide access to certified land surveying engineers to verify the intention to establish (change) the boundaries of the administrative territorial unit;
- create access for certified land surveyors through electronic services of the State Geocadastre to check the possibility of non-imposition of the project boundary with the existing boundaries of land in the DZK;
- create electronic access to certified land surveying engineers through electronic services to be able to check the XML exchange file to establish (change) the boundaries of administrative-territorial units.

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## **ЩОДО ПИТАННЯ ВСТАНОВЛЕННЯ ТА ЗМІНИ МЕЖ АДМІНІСТРАТИВНО-ТЕРИТОРІАЛЬНИХ ОДИНИЦЬ**

*Проаналізовано наукові підходи щодо встановлення та зміни меж адміністративно-територіальних одиниць. Зазначено, що частка встановлених та змінених меж населених пунктів складає понад 73%. Фактичний рівень внесених меж населених пунктів до відомостей Державного земельного кадастру складає 32%, що свідчить про значну кількість адміністративно-територіальних одиниць межі яких не встановлені. Це унеможливорює досягнення цілей розвитку територій як населених пунктів, так і територіальних громад.*

*Зважаючи на те, що межі більшості населених пунктів і територіальних громад не встановлені, а при їх зміні виникають питання, які неможливо урегулювати за наявної системи нормативно-правових документів та науково обґрунтувати їх встановлення чи зміну, що негативно позначається на регулюванні громадами екологічного та економічно припустимого використання земель. Запропоновано такі зміни до нормативно-правових документів: передбачити попередню реєстрацію у ДЗК проектних меж територій населених пунктів і територіальних громад; створити можливості для перевірки обмінного файлу формату XML щодо встановлення (зміни) меж адміністративно-територіальних одиниць; встановлення (зміну) меж здійснювати з урахуванням принципів «публічного управління» (передусім самоорганізації громадянського суспільства).*

**Ключові слова:** адміністративно-територіальна одиниця, межа територіальної громади, межа населеного пункту, Державний земельний кадастр

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## **ПО ВОПРОСУ УСТАНОВЛЕНИЯ И ИЗМЕНЕНИЯ МЕЖДУ АДМИНИСТРАТИВНО-ТЕРРИТОРИАЛЬНЫХ ЕДИНИЦ**

*Проанализированы научные подходы к установлению и изменению границ административно-территориальных единиц. Отмечено, что доля установленных и измененных границ населенных пунктов составляет более 73%. Фактический уровень внесенных границ населенных пунктов в сведения Государственного земельного кадастра составляет 32%, что свидетельствует о значительном количестве административно-территориальных единиц, границы которых не установлены. Это делает невозможным достижение целей развития территорий как населенных пунктов, так и территориальных общин.*

*Ввиду того, что границы большинства населенных пунктов и территориальных общин не установлены, а при их изменении возникают вопросы, которые невозможно урегулировать при существующей системе нормативно-правовых документов и научно обосновать их установление или изменение, что негативно сказывается на регулировании общинами экологического и экономически допустимого. использование земель. Предложены следующие изменения в нормативно-правовые документы: предусмотреть предварительную регистрацию в ДЗК проектных границ территорий населенных пунктов и территориальных общин; создать возможности для проверки обменного файла формата XML по установлению (изменению) границ административно-территориальных единиц; установление (изменение) границ осуществлять на основе принципов «публичного управления» (прежде всего самоорганизации гражданского общества).*

**Ключевые слова:** административно-территориальная единица, граница территориальной общины, граница населенного пункта, Государственный земельный кадастр