

CONSTRAINTS IN THE IMPLEMENTATION OF THE ECONOMIC ACTIVITIES OF AGRICULTURAL PRODUCERS

**Ya. L. KOLOMIETS, *applicant,*
Yaroslav Mudryi National Law University**

The article is based on doctrinal analysis the definition of the «constraints in the implementation of the economic activities of agricultural producers».

Industrial and economic activities, agricultural producers, restriction of rights.

Industrial and economic activities is one of the main institutions of agrarian law, because it is the result of its implementation is to obtain relevant agricultural products. Agricultural producers are free to choose the direction and form of the activity, have the right to freely choose their counterparties and to enter into contractual arrangements. This is a consequence of the implementation requirements of Art. 42 of the Constitution of Ukraine on the right of establishment. However, in some cases, freedom of production and economic activity in agriculture in some way limited. Given this definition of "limitation in the implementation of the economic activities of agricultural producers" is primarily theoretical value (for further improvement of the agrarian law doctrine). In terms of enforcement definition of this category allow for change and improvement of the agrarian legislation guided by principles weekend imposing such restrictions.

In the academic literature on the agrarian law provides only a list of limitation in production and business activities of agricultural producers, and the definition of the term has not developed.

The purpose of this article - formulation based on an analysis of existing approaches doctrinal definition of the "limitation in the implementation of the economic activities of agricultural producers."

If the scope of the economic activities limited to agricultural activities, then the first category considered in the narrow sense. But some researchers suggest apart from the inclusion of agricultural production and business activities of agricultural producers and other activities that are not prohibited by law. In this case, it should be noted on a broad approach to the treatment of industrial and economic activity. However, we believe that industrial and economic activity should be considered as agricultural production, processing its agricultural products and its implementation.

For the assignment of a person is one of the agricultural commodity products that it produces must be a sign of merchantability or be a commodity. Hence, in the most general sense agricultural producers should be considered a person that produces agricultural products, processing its agricultural products and its implementation. Among these producers are not included in individual farms, as production in which it has commercial nature.

Limitations in the implementation of the economic activities of agricultural producers - a narrowing of the subjective rights of farms and (or) individual entrepreneurs through the regulatory consolidation prohibitions, conditions or obligations for the fulfillment of the activities of agricultural production and processing its agricultural products and its implementation. This definition limits in the implementation of the economic activities of agricultural producers in the subjective sense, because the emphasis it placed on the powers of oppression particular subject - agricultural producers. In the same sense the objective constraints in the

implementation of the economic activities of agricultural producers represent a body of law, which are called fixed narrowing of subjective rights of agricultural producers to implement industrial and economic activity.