

LEGAL REGULATION OF LAND USE FARMS IN UKRAINE

**I.S. SYUYVA, senior lecturer¹,
Universities of Ukraine «University of Modern Knowledge»**

The article is devoted to legal issues of state support farmers with separate farm estates in Ukraine. On the basis of current legislation and legal literature peculiarities of legal regulation of state aid farmers with separate farmers' estates and their analysis.

Government support, farm, detached farm house, agricultural producers.

Relevance of the study of the legal regulation of state support for farmers (hereinafter – F) due to both the need to ensure food security and agricultural production characteristics. Particular relevance take these issues because of Ukraine's membership in the WTO and the implementation of the Action Plan of the Partnership and Cooperation Agreement with the EU, one of the items which are Ukraine harmonize legislation on state aid to EU legislation that requires review of existing approaches to public support for agriculture, taking into account the requirements of WTO and EU law.

Current legislation recently cemented term F with separate estates of farmer. Thus, in the legal literature legal status last practically solved, no comprehensive study of features of legal regulation of state aid F with separate estates of farmer, which leads to the relevance of this study. Some aspects of state aid F investigated M.V. Shulga, V. Zhushman, P. F. Kulnych, V.Yu.Urkevych [1] N. Titov [2] and others. It should highlight the work of T. Kovalenko [3, 4], which covered some issues of state aid F with separate estates of farmer. All this led to the need for a comprehensive study of the special characteristics of the legal regulation of state aid FG farmer with separate estates and the formulation of the basis of proposals aimed at improving agricultural legislation in this area.

The purpose of the article is that by analyzing trends in the legislation of Ukraine, legal practice, research, social and economic role of the F

¹ Reviewer – PhD (Law), associate professor S.I. Marchenko

isolated farm estates in the agricultural sector to identify common features and peculiarities of legal regulation of state aid F farmer with separate estates, and prospects regulation of the circle of relations.

Farms in Ukraine recognized progressive form of business people in agriculture. In this regard, it is inherent in the special legal status in comparison with other forms of management in agriculture. It finds its expression in the features of registration and termination F, peculiarities of legal regulation of land and property relations in FG and more. Separately identified and peculiarities of state support for farmers. It should be noted that among agricultural commodity specific measures of support provided only for agricultural service cooperatives and farms.

The legislation provides for the citizens who created FG right to establish separate farm house. According to Art. 5 of the Law of Ukraine "On the farm" [5] separate estate is a farmer with land located on it residential homes, commercial and community buildings, road and underground utilities, perennial plants, which is located outside the settlement. It is worth noting that in terms of agricultural economics is that the most effective use of land when placing the house in the farm land.

If draw a historical analogy Stolypin agrarian reform with the present, you can spend a number of parallels between the FG with separate farm estates and farms Bran-farmhouse type. First of all, the joint is to stimulate the creation of the state of economy by consolidating the legislation of individual measures of state support. This is because the state agrarian policy of Ukraine is based on the need for the revival of the peasantry as a land owner, media morality and national culture.

In legal literature, government support of agriculture is seen as regulated by the law set of organizational, economic, legal and other measures (incentives and benefits) provided by the state and its authorized agencies through state resources, or by dropping the state from receiving certain income subjects entities involved in the agricultural production to ensure food security, solving social and economic problems, promoting social development of rural areas, restoring and maintaining the ecological balance areas [6, p. 143].

Fundamentals of public policy in the budget, credit, price, insurance, regulatory and other areas of government to stimulate agricultural production and agricultural market development and food security of the population defined by the Law of Ukraine «On State Support of Agriculture of Ukraine» dated 24 June 2004 . This law stipulated measures of state support for all agricultural producers irrespective of legal form.

The Law of Ukraine «On the farm» provides specific measures of state support for farmers, and especially - for FG farmer with separate estates.

Analysis of legal literature and agricultural legislation can provide features state support farmers with separate farm estates:

- Available from the state budget through the Ukrainian State Fund for Farmers and its regional offices;
- Available on a competitive basis. Competitive selection procedure for farmers to provide them with financial support defined by the Ministry of Agrarian Policy and Food of Ukraine from 02.09.2011, № 441;
- Can have both rotary and irreversible manner;
- Clearly defined list of expenses, which provides financial support to non-repayable basis;
- Set the maximum size of the financial support provided on a rotating basis;
- Information on farms with separate estates farmers who apply for financial support, is entered in the appropriate register and shall be published in the print media and on the official website of the Ukrainian State Fund for the Support of farms;
- The current law provides for liability for unlawful obtaining of budgetary funds, misuse of budgetary funds and untimely and incomplete return to the state budget financing.

For the purposes of state support for farms with separate farm estates can be divided into 2 groups: state support measures that aim to improvement secluded farm house and state support measures aimed at improving the efficiency of agricultural production.

Thus, in order to stimulate the creation of farms with farm estates separated by their government support, due to the need to revive the peasantry as the owner of the land, Media morality and national culture. The legal regulation of state aid farmers with separate estates farm has several features that have been discussed above.

References:

1. Шульга М.В. Фермерське господарство: правові засади створення, функціонування та припинення: [навч.-практ. посіб.] / М.В. Шульга, В.П. Жушман, П.Ф. Кулинич та ін.; за заг. ред. М.В. Шульги. – Х. : ТОВ «Одіссей», 2004. – С. 63, 64.
2. Землі сільськогосподарського призначення: права громадян України: [наук.-навч. посіб.] / за ред. Н.І. Титової. – Л. : ПАІС, 2005. – 368 с.

3. Коваленко Т.О. Державна підтримка фермерських господарств: новели правового регулювання / Т.О. Коваленко : [Електронний ресурс]. – Режим доступу: <http://www.agro-business.com.ua>

4. Коваленко Т.О. Пільговий кредит на сільське житло / Т.О. Коваленко : : [Електронний ресурс]. – Режим доступу: <http://www.agro-business.com.ua/component/content/article/1269.html>

5. Про фермерське господарство : Закон України від 19 червня 2003 р. № 973-IV // Відомості Верховної Ради України. – 2003 – № 45. – Ст. 363.

6. Марченко С.І. Організаційно-правові питання товарного сільськогосподарського виробництва в Україні : моногр. / С.І. Марченко. – К. : ВГЛ «Обрії», 2010. – 199, [1] с.

7. Про державну підтримку сільського господарства : Закон України від 24 червня 2004 р. № 1877 // Урядовий кур'єр. – 2004. – 29 вересня.

8. Про затвердження Порядку та умов проведення конкурсу для надання фінансової підтримки фермерським господарствам : Наказ Міністерства аграрної політики та продовольства України від 2 вересня 2011 р. № 441 // Офіційний вісник України. – 2011. – № 74. – С. 143. – Ст. 2792.