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**CONCEPTS AND ESSENTIAL FEATURES OF ENVIRONMENTAL
LAND USE**

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Abstract. *Among the most important problems of socio-economic development of society, special importance belongs to the effective use of land and resource sphere, on which depends the economic, social, environmental security of the state and living standards. Negative trends observed in the process of land use require new organizational and legal approaches to regulating land use and creating economic incentives for rational use and protection of land in Ukraine.*

This article considers the concept and functioning of "land use" as a natural, legal and economic category. The essence and formation of an integrated system of environmental land use, which includes: part of a single land fund (land, land and rights to them), provided by the state or acquired or leased by a separate owner or user, the boundaries of which are determined on the ground; land object of law, object of economic, ecological, town-planning, agricultural and other land relations, for which the land user is issued a document certifying the right to land with certain boundaries, area, composition of lands, property objects and, if necessary, with geodetic coordinates of boundary signs defined in nature and the process of human (society) use of the integrated potential of the natural territory. Досліджено поняття та сутність «земельно-територіальний ресурс».

Keywords: *land, land plot, land use, land management, agricultural and environmental land use, territory.*

Formulation of the problem. *At the present stage of formation of new socio-economic relations in Ukraine in connection with the general trend of increasing the*

cost of natural resources and deteriorating environment become relevant issues of sustainable land use, which would combine its high efficiency, maximum preservation of reproductive properties of natural resources and environmental protection. activities.

Among the most important problems of socio-economic development of society, special importance belongs to the effective use of land and resource sphere, on which depends the economic, social, environmental security of the state and living standards. Negative trends observed in the process of land use require new organizational and legal approaches to regulating land use and creating economic incentives for rational use and protection of land in Ukraine.

By their properties, land resources are a multifunctional factor of the reproduction process - the subject of labor and means of production in agriculture and forestry; natural resource and carrier of minerals; spatial basis of the whole set of forms and types of social activity; territorial basis of statehood and national self-determination. All this means that the land, first, is the subject of interest of all without exception, categories, groups and strata of the population; it is a complex node of national and group interests. Therefore, the relations in the field of development and use of land have a universal universal multi-subjective, multidimensional and multilevel nature. Second, land as an economic category participates in the reproductive process and in the spheres of distribution, exchange and consumption. Land use as an economic category is determined by the nature of social production, a specific social type of economy in which land functions as a means of production. Economics and ecology are the key to a proper understanding of the economic and natural nature of land use.

The purpose of the article is improve the theoretical and methodological foundations and develop practical recommendations for the formation of the system of environmental and agricultural land use, as important components of the system of economically efficient and environmentally oriented development of land management.

Analysis of recent researches and publications. Many works of domestic and foreign scientists are devoted to the problems of rational land use, optimization of land use. These problems were investigated by the issues of development and formation of the land use structure in Ukraine by P.F. Kulinich, A.G. Martin, V.N. Kryvov, O.I. Kanash, A.Y. Sohnych, A.N. Tretyak, V.N. Drugak, V.O. Leonets, O.S. Dorosh and other scientists. At the same time, dynamic processes in the agricultural sector necessitate the definition of an effective mechanism of organization and management in the field of use and protection of agricultural land, prevention of abuse, prevention of social tension in this area. Not enough attention has been paid to the study of the above problems by scientists and researchers.

The following tasks of the task are defined in the work: identify the essential features and concepts of environmental and agricultural land use as important components of the system of economically efficient and environmentally oriented development of land resources; to study the theoretical and methodological principles of formation and functioning of "land use" as a natural, legal and economic category; substantiate the concepts of "land", "land plot" and "land-territorial resource".

Research results and their discussion. The modern world strategy of ecological and economic development is aimed at conservation and management of natural resources, significant reduction of risks to the environment associated with its depletion, as well as waste management, introduction of environmentally friendly production technologies and more. Occupying less than 6% of Europe's area, Ukraine owns 35% of its population biodiversity. At the same time, the economic development of the country is still accompanied by unbalanced exploitation and depletion of natural resources, the general deterioration of the environment.

The structure of the country's land fund is dominated by agricultural lands, the extensive use of which is accompanied by the loss of natural soil fertility, pollution of water resources, impoverishment of the landscape structure. The volume of accumulation of industrial and household waste is growing. Ecological and economic levers of public-private partnership have not been created to ensure the introduction of an ecologically balanced system of nature use, sustainable functioning of nature

protection land uses. The development of the ecological network has not yet gone beyond scientific predictions. The effectiveness of the protected area is assessed only by the rate of formal increase in the area of its territory.

The concept of "land plot" should be considered in relation to the concept of "land". In this case, "the ownership of the land extends to the space above and below the surface of the plot to the height and depth required for the construction of residential, industrial and other buildings and structures." Understanding of land as a space in general is shared by UN experts. In their view, "land is registered in the cadastre or real estate registration system as part of the plane, although in fact it is a certain amount of space" [1]. In some countries of the world, the law considers the concept of land as covering the space from the center of the Earth to infinity above its surface. In this case, the ownership of the land is considered to be all real estate located within its boundaries (houses, buildings, structures, water resources, vegetation).

In the land management sense, the land plot must have clearly defined boundaries, a certain area, registration for the relevant entity in the state register of real rights to immovable property. As a rule, a land plot is considered as an indivisible object of ownership or use. However, land is a primary element of any land use. Land plots from which land use is formed may have different legal status [4].

In modern conditions, the concept of land use has acquired a much deeper economic meaning. The concept of land use should be considered as an economic category, because in economic terms, the functioning of land in the production process can be both rational and not; effective and ineffective [2]. The formation of the land use system in the country is a dynamic process that should be regulated in the public interest. Political, organizational and legal, socio-economic, environmental and administrative actions of the state should be aimed at optimizing the structure of land use.

V.N. Drugak notes that the concept of "land use" is not limited to material features. Its importance must be considered in conjunction with a set of social,

economic, legal, urban, agricultural, environmental relations that determine the legal regime of ownership and use of land [6].

In a broad sense, environmental land use requires improving the mechanisms of its organizational and legal regulation because:

1) the globalization of technical impacts on any land use necessitates the mandatory definition and differentiation of restrictions and burdens in the use of land resources;

2) regulation of public relations regarding land use regimes in modern conditions is associated with the introduction of not only legal and fiscal forms of coercion to comply with them, but also appropriate economic and social incentives;

3) democratization of public relations and the constitutional definition of the rights of land users changes the functions of the state to ensure these rights of landowners and land users.

The formation of protected land use should ensure the economical exploitation of natural resources without exceeding the allowable (threshold) values of reduction of natural systems, reproduction, taking into account the long-term objectives of economic development and human health. Therefore, in order to fully understand the essence of environmental land use and determine the directions of its development, it is necessary to first define the concept of land use itself [9]. In Ukraine, land use and land tenure in accordance with Article 79 of the Land Code include a system of the following concepts:

- land as a part of the earth's surface with established boundaries, a certain location, with certain rights to it;

- the right of ownership, possession and use of such land extends within its boundaries to the surface (soil) layer, as well as to water bodies, forests and perennials that are on it;

- the right of ownership, possession and use of such land, in contrast to other countries, extends to the space above and below the surface of the height and depth required for the construction of residential, industrial and other buildings and structures.

Such a definition of the essence of land use, only on the material side is important in many areas of knowledge, but clearly insufficient and far from exhausting the whole set of features inherent in its content. In theory and practice, a distinction should be made between the concept of land use as a material (physical) object and a complex of social, economic, urban, agricultural, environmental, legal and other relations that provide a special order of use, ownership and in some cases - land management and special stability of rights.

In general, land use is defined in three aspects [8]: 1) as land use in the manner prescribed by law (land); 2) as part of a single land fund provided by the state or acquired in ownership or lease by a single user for economic or other purposes, limited to the area; 3) as an object of law, an object of economic, environmental, urban, agricultural and other land relations, for which the land user is issued a document certifying the right to land with certain boundaries, area, composition of land, property and, if necessary with geodetic coordinates of boundary signs defined in kind.

However, the formation of land use and its functioning has a number of features. Land acts as a territorially limited resource. Territorial limitation determines the monopoly on land as an object of property and an object of management. As a property, land is less accessible due to its high cost. As a farm, land is more accessible and attractive. Therefore, in a developed economic society, there is competition over the use of a certain land area, and the landowner has several options for land registration on different property rights [7].

Therefore, the concept of land use should be considered in natural, legal, economic and other aspects. Where, in natural terms, land use is a land plot that consists of one or more plots of land, delimited in the area, which are systematically used in different sectors of the economy or potentially have the conditions for such use [9].

Accordingly, environmental land use means - a territorial complex of optimal relationships of soil, organisms and atmosphere through the composition and structure of land, the system of organization and methods of land and other natural

resources on various property rights as an object of law, an object of economic, ecological and other land relations of a certain part of the unified land fund of Ukraine.

Environmental land use is considered productive and rational at the same time. Productive environmental land use can oppose the rational in cases of loss of land useful properties, including soil fertility, their pollution. Optimization of environmental land use is done by improving its structure and environmental transformation of land. Improving the structure of environmental land use is carried out in the order of changing its composition on economic grounds, which in most cases determines the possibilities and efficiency of land use.

Under the formation of environmental land use we understand a complex and long process of organizational and economic, environmental and economic, engineering and legal changes in land composition and functional land use, which affect the ratio of territorial conditions of land use, in particular, increasing the area of ecological stabilizing lands, formation of cultural lands and territories and objects of the nature reserve fund, change of the land use regime and intensity of land use.

The formation of a system of environmental land use is a dynamic process that must be regulated in the interests of society as a whole. Its regulation is the most important task of state land management. Political, legal, ecological, economic and administrative measures of state bodies are aimed at the formation of a rational system of nature protection land use. One of the mechanisms of organization and improvement of environmental land use is the organization, in particular land management [8].

In organizational and economic terms, the formation of environmental land use is carried out on a compromise basis, taking into account both its positive and negative consequences. In terms of engineering and technical implementation of the formation of environmental land use is based on reclamation work to improve land quality, anti-erosion landscaping, radical improvement of agricultural land, land unproductive land, creation of linear plantations, afforestation of degraded areas, development of crop elements.

In a market environment, an important ecological and economic imperative of nature management is the optimization of the use and protection of land and other natural resources. This should ensure a balanced relationship between natural and man-made landscapes, as well as the limits of plowing.

Thus, the concept of agricultural land use, as well as the concept of protected land use territory is broader than the concept of land, because, first - environmental land use can consist of one or more land plots. Hundreds of individual land plots of citizens and legal entities are often included in the land use of the territories of the nature reserve fund, and especially the national nature parks. Secondly, environmental land use is heterogeneous in the nature of land ownership and use rights. This means that land plots that form the conservation land use of nature reserve areas may have different legal status. Thus, the territories of national nature parks, as a rule, have heterogeneous land use, which includes land plots of different forms of ownership: private, state and communal. Third - the nature and intensity of land use within the land use of nature reserves may be different. Differences are determined by the composition of lands, ecological situation, terrain, legal regime, restrictions and encumbrances. In the context of new land relations, such heterogeneity requires a special approach to the organization of the territory used for environmental activities.

Under *environmental land* use should be understood as an integrated system that includes:

- 1) part of a single land fund (land territory, land plot and rights to them), which is provided by the state or acquired in ownership or lease by a separate owner or user, the boundaries of which are determined on the ground;

- 2) land object of law, object of economic, ecological, town-planning, agricultural and other land relations, for which the land user is issued a document certifying the right to land with certain boundaries, area, composition of lands, property objects and if necessary with geodetic coordinates of boundary signs defined in kind;

3) the process of human (society) use of the integral potential of the natural territory, which includes all resources in the relevant area of geospace, is part of the socio-territorial complex of different hierarchical levels of land and leads to its complexity, reflected in the regulation of public, land, environmental and other relations.

The system of environmental land use, as well as agricultural, provides resource-saving, reproductive, environmental and social (environmental, social and economic) aspects.

The concept and essence of environmental land use can not be considered separately from the complex concept of "land-territorial resource" [2]. Land-territorial resource combines in its content the definition of the term "land" - as a socio-economic essence of the universal factor of social production and the term "territory" - as a geographical (spatial) category. Like any generalizing concept, the concept of "territory", defined in the scientific report "Assessment of land resources of Ukraine and the problems of ensuring the efficiency of its use", is a complex and multilevel categorical entity, characterized by a hierarchical structure [3]. There are grounds to distinguish quite clearly the following hierarchically combined semantic levels of the concept of land as a territory: general scientific (which is used only in certain scientific disciplines); physical and geographical; economic and geographical; international law.

Different meanings of the concepts "land" and "territory" in land management, their economic essence is interpreted in the concept of "land-territorial resource" as a resource of nature. After all, both land and territory, as a product of nature, have a dual function and act: first, as an elementary resource - the spatial, operational basis of any kind of human activity; secondly, as an integral resource of natural and anthropogenic origin (territory - space, territory - subsoil, "land - territory" - fertility, "land - territory" - funds, etc.) [7].

However, in general economic terms, the term "land" has several meanings: from extremely broad, covering all natural factors and conditions of production

(including its basis, primary items and means of production), to extremely narrow, limited by its role, the territorial operational base [3].

Conclusions and prospects. The process of *environmental land* use can be seen as the effectiveness of the organization of a set of relevant social activities carried out in a particular area with the involvement of land and natural resources in one form or another and the relevant ownership of land and other natural resources, on different scales and with different functional content in the process of economic, environmental, health, recreational and other relations of the rights of subjects to preserve, restore and use land and other natural resources.

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Поняття та сутнісні ознаки природоохоронного землекористування

Серед найважливіших проблем соціально-економічного розвитку суспільства особливе значення належить ефективному використанню земельно-ресурсної сфери, від якої залежить економічна, соціальна, екологічна безпека держави та рівень життя населення. Негативні тенденції, що спостерігаються у процесі використання земель, вимагають нових організаційно-правових підходів щодо регулювання землекористування і створення економічних стимулів раціонального використання та охорони земель в Україні.

В даній статті розглянуто поняття та функціонування «землекористування» як природну, правову та економічну категорію. Розкрито суть і формування інтегрованої системи природоохоронного землекористування, яка включає: частину єдиного земельного фонду (земельна територія, земельна ділянка та права на них), що надана державою або набута у власність чи оренду окремим власником чи користувачем, межі якої визначені на місцевості; земельний об'єкт права, об'єкт економічних, екологічних, містобудівних, сільськогосподарських та інших земельних відносин, на який землекористувачу виданий документ, що посвідчує право на землю з визначеними межами, площею, складом угідь, майнових об'єктів та за необхідністю з геодезичними координатами межових знаків, що визначені в

натурі та процес використання людиною (суспільством) інтегрального потенціалу природної території.

Досліджено поняття та сутність «земельно-територіальний ресурс».

***Ключові слова:** земля, земельна ділянка, землекористування, землеустрій, сільськогосподарське та природоохоронне землекористування, територія.*

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Понятие и существенные признаки природоохранного землепользования

***Аннотация.** Среди важнейших проблем социально-экономического развития общества особая роль отведена эффективному использованию ресурсной сферы, от которой зависит экономическая, социальная, экологическая безопасность государства и уровень жизни населения. Негативные тенденции, наблюдающиеся в процессе использования земель, требуют новых организационно-правовых подходов по регулированию землепользования и создание экономических стимулов рационального использования и охраны земель в Украине.*

В данной статье рассмотрено понятие и функционирование «землепользования» как естественной, правовой и экономической категории. Раскрыты сущность и формирование интегрированной системы природоохранного землепользования, которая включает: часть единого земельного фонда (земельная территория, земельный участок и права на них), предоставленной или приобретенная в собственность или аренду отдельным собственником или пользователем, границы которой определены на местности; земельный объект права, объект экономических, экологических, градостроительных, сельскохозяйственных и других земельных отношений, на который землепользователю выдан документ, удостоверяющий право на землю с определенными границами, площадью, составу угодий, имущественных объектов и при необходимости с геодезическими координатами межевых знаков, которые определены в натуре и процесс использования человеком (обществом) интегрального потенциала природной территории.

Исследовано понятие и сущность «земельно-территориальный ресурс».

Ключевые слова: *земля, земельный участок, землепользование, землеустройство, сельскохозяйственное и природоохранное землепользования, территория.*