

DEVELOPMENT OF PUBLIC MONITORING OF LAND RELATIONS IN UKRAINE

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Abstract. The Constitution of Ukraine, recognizing the indispensability of land as a natural resource, rightfully acknowledges it as the country's primary national wealth, deserving special protection by the state. On May 12, 2023, the Cabinet of Ministers of Ukraine approved the Procedure for conducting public monitoring of land relations and land market monitoring. From 1993 to 2017, in accordance with existing legislation, land and soil monitoring have been carried out in Ukraine as components of environmental monitoring. It is practically considered that there is one main direction of land monitoring - land monitoring, although terms such as "land monitoring," "land monitoring," "monitoring of land resources," "soil monitoring," "land use monitoring," "agricultural land use monitoring," etc., are used in scientific literature.

These monitoring activities had an ecological focus, serving to preserve one of the ecosystems - land resources - and mitigate environmental crises. However, these monitoring efforts were mainly unsystematic and scattered, which limited their application in addressing urgent socio-economic and environmental issues related to land use. The standard state of monitoring of this resource in 2017 shifted towards monitoring land relations and has now acquired the status of public monitoring of the

land market starting from 2023, representing the quintessence of market-based land relations in the country. The essence of public monitoring is not only a political vestige but also the essence of market-based land relations that have developed in Ukraine. This highlights not only the environmental role of land monitoring but, above all, emphasizes its socio-economic significance in the functioning of market-based land relations. [1]

The ordinary state of monitoring a specified resource in 2017 became monitoring of land relations, and starting from 2023, it acquired the status of public monitoring of the land market, representing the essence of market land relations in the country. The essence of public monitoring manifested not only as a political relic but also as the essence of market land relations that have developed in Ukraine. This emphasizes not only the environmental role of land monitoring but, above all, highlights its socio-economic significance in the functioning of market land relations.

Keywords: Public monitoring, land market monitoring, environmental monitoring, land use.

Analysis of recent research and publications.

As known, the pilot project for monitoring land relations [2], approved by the Cabinet of Ministers of Ukraine in August 2017, was a temporary legal document for a long time. The implementation of monitoring principles set forth in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security, endorsed by the United Nations Food and Agriculture Organization (FAO), aimed to explore the creation of a system that would be unified, automated, public, reliable, and based on observation materials, taking into account the structure and practices of land monitoring services in the European Community.

The mentioned research is dedicated to the approval of the Procedure for conducting public monitoring of land relations and public monitoring of the land market. The article examines the status, structure, and procedure for conducting public monitoring, emphasizing that it is an integral part of the state of the land

market, which is provided in detail in the attached document. The article also highlights the changes made to the previously adopted system under the Law. [3]

On October 4, 2017, the National Academy of Agrarian Sciences hosted the All-Ukrainian round table discussion titled "Land Monitoring: Directions for Revival" [4,5]. Furthermore, on June 23, 2022, the round table discussion "Ukrainian Chernozem: Conservation, Monitoring, Land Management" [4,5] was held. In total, these events involved over 150 scientists and practitioners. An appeal was sent to the government addressing the need to overcome the crisis situation and to the Government of Ukraine regarding measures to be taken for the conservation of land resources in conditions of martial law

Scientific research on the application of remote sensing methods for land monitoring and land management issues has become more active. Articles by scientists such as Velychko V.A., Martin A.G., Novakovska I.O., Tretiak A.M., Kulynych P.F., Butenko Ye.V., and others have been published in scientific journals [6, 7, 8, 9, 10, 11, 12]. However, the development of the land monitoring system still faces challenges that require additional research, elimination of duplications, and systematization.

The aim of this research and its particularity is the inclusion of land relations monitoring in the land monitoring system and the initiation of a rapidly developing land market. The research process employs analytical methods depending on the tasks defined to achieve well-founded results.

Materials and Methods of Scientific Research

A wide range of legislative documents, previous studies, and publications were analyzed using various research methods, such as monographic, statistical, systemic-analytical, and others, depending on the research objectives.

Research findings and discussion

According to the approved Order [13] by the Cabinet of Ministers of Ukraine, the following documents are clearly established: the essence of the automated system, the composition of public monitoring, land market monitoring, and entities of information interaction.

It is worth noting that previously the project was considered pilot. It was not Public but rather a regular monitoring. This is because the soil map, which is part of the state land cadastre, is also considered a public land document, and the automated system for implementing public monitoring is an integral component of the entities of information interaction system.

Monitoring of land relations is recognized as a "comprehensive system that includes observation, analysis, collection, storage, synthesis, and publication of information on ownership, use, and management of land plots."

"Public monitoring is a comprehensive system that combines seven different directions of information and activities regarding the formation, establishment, and development of land relations in Ukraine." [13] The entities of information interaction in this monitoring include both executive authorities and state institutions, enterprises, organizations - information administrative systems. Electronic information interaction involves information on the state and development of land relations in the context of regions, administrative districts, and territorial communities.

Public information published in open datasets that are subject to disclosure can also be used, if necessary, as other factual land information of military, crisis, or other local relevance. This was clearly demonstrated, in particular, during the war for the activation of land use and land management in the country in a special period and under limited conditions.

The procedure for conducting public monitoring is applied to the following subjects of land relations and information interaction: State Geocadastre, Ministry of Justice, State Statistics Service, State Architectural and Construction Inspectorate, State Fiscal Service, State Water Agency, State Fisheries Agency, State Forestry Agency, Ministry of Infrastructure. All nine subjects of information infrastructure are preserved. The State Geocadastre is responsible for conducting public monitoring [13]. It is also defined as the "holder of the automated system for public monitoring of land relations, which ensures the creation and functioning of the system, publishes

the results of public monitoring once a month, and is the owner of the automated system and its software" [13].

The administrator of the system is the state enterprise "State Land Cadastre Center." Its functions are clearly defined as follows:

Development, implementation, maintenance, and support of software for the uninterrupted functioning of the system, as well as technical and technological support of the system.

Integration of information with other resources for data storage and information security.

Data transmission, information processing, publication of results, conducted during the process of public monitoring. The State Land Cadastre's cartographic base is used for this purpose.

Financing and functioning of the system are carried out using funds from the State Budget of Ukraine, as well as from international and other lawful sources [14].

"Public monitoring objects consist of data necessary for monitoring, which are transmitted to the automated system. The subjects of information interaction who submitted the data bear responsibility for the accuracy of the information contained in the automated system. Search, viewing, and copying of results are free of charge, while interaction and corrections are carried out in accordance with the terms of this Procedure. The basic list for conducting public monitoring of land plots and market monitoring of land is provided in the appendix accompanying each of the indicators for 66 types of documents." [13] (pp. 1-4)

Specifically, the State Geocadastre [I] includes data (1) regarding the characteristics of land plots and (2) concerning unregistered land. The Ministry of Justice [II] - from the State Register of Property Rights - contains: 1) Information about transactions (deeds) and 2) Regarding encumbrances of real rights to land plots. The State Statistics Service [III] - 1) Population count, 2) Total. Both genders. The Unified State Register of Judicial Decisions [IV] - the sole state registry of court decisions. The State Fiscal Service [V] - information and communication system of the State Fiscal Service; The State Water Resources Agency [VI] - regarding the

meliorative condition of irrigated and drained lands; The State Fishery Agency [VII] - concerning the areas of irrigated and drained lands for a given year; The State Forest Agency [VIII] - information about the distribution of the forest fund among forest owners and users, its quantitative composition, and division of forests by categories. The Ministry of Infrastructure [IX] - urban planning cadastre. [13]

Conclusions

Monitoring land relations is the foundation of socio-economic observations of land resources and the development of land conservation measures as the primary national wealth.

A unified automated, public, and reliable land relations system in Ukraine should be based on satellite monitoring data and take into account the methodology, structure, and practices of the monitoring service of the European Community.

The proposed procedure for public monitoring of land relations, including monitoring of the land market as an indicator of research, is a comprehensive system of land relation observations that allows for their scientific justification and protection.

In our opinion, the main normative and legal basis for monitoring land relations should be a single compact document that is not dependent on land category.

The approval of the new Procedure resulted in the repeal of the previous resolution on this matter. The Faculty of the National University of Bioresources and Nature Management of Ukraine, in the specialty of 193 "Geodesy and Land Management," has proposed a description of the new program "Monitoring of Land Relations" for the training of specialists in the Master's degree program. [16]

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Розвиток публічного моніторингу земельних відносин в Україні

Анотація. Конституція України, виходячи з незамінності землі як природного ресурсу, цілком закономірно визнала її основним національним багатством, що перебуває під особливою охороною держави. Кабінет Міністрів України 12 травня 2023 р. затвердив Порядок здійснення публічного моніторингу земельних відносин та моніторингу ринку земель у його складі. Починаючи з 1993 по 2017 роки, відповідно до чинного законодавства, в Україні функціонують моніторинг земель і ґрунтів як складові частини моніторингу довкілля. Практично вважається, що діє один земельний моніторинг за основним напрямком - land monitoring, хоча у науковій літературі

застосовується терміни «моніторинг земель», «земельний моніторинг», «моніторинг земельних ресурсів», «моніторинг ґрунтів», «моніторинг землекористування», «моніторинг сільськогосподарського землекористування» тощо.

Вказані моніторинги мали екологічні спрямування як моніторинг довкілля – для збереження одного із видів екосистем – земельних ресурсів, відвернення кризових змін екологічного стану довкілля. Названі моніторинги переважно були несистематизованими, як правило, розпорошені, а тому не завжди могли бути використані для вирішення надзвичайних соціально-економічних та екологічних проблем – раціонального використання земель. [1] Звичайний стан моніторингу вказаного ресурсу у 2017 року став моніторингом земельних відносин, а з 2023 р. набув статус публічного моніторингу ринку земель, як квінтесенцію ринкових земельних відносин в країні. Суть публічного моніторингу проявилася не лише як політичний рудимент, а й як сутність ринкових земельних відносин, що набули розвитку в Україні. Цим підкреслено не лише екологічну роль земельного моніторингу, а перш за все, відзначено його соціально-економічну значущість функціонування ринкових земельних відносин.

Ключові слова. Публічний моніторинг, моніторинг ринку земель, моніторинг довкілля, землекористування.