

**LAND MONITORING SYSTEM: PRINCIPLES OF FORMATION  
AND PROBLEMS OF DEVELOPMENT**

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*The article examines the structure, content and procedure of land monitoring, features of its development and legal regulation, substantiates the need to monitor the state of land in the process of decentralization of power and improvement of local self-government in Ukraine.*

*Analyzing the relevance of land monitoring to the state environmental monitoring system as its constituent part, it was established that the specified norm is absent in the Regulation on land monitoring, which does not allow these monitoring to be considered a single system. The Regulations approved by the Ministry of Agrarian Policy on February 26, 2004 regarding soil monitoring have not yet been codified, and the agrochemical system of land certification as one of the sources of obtaining reliable information about soil cover has not been streamlined.*

*It has been recognized as natural and timely to introduce monitoring of land relations and the development of pilot projects for their implementation and implementation in the country from September 1, 2017. The objects of this monitoring are presented, its tasks and essence are defined, and the peculiarities of the methodology of introducing land market monitoring into the monitoring of land relations are defined. It is emphasized that the selection of monitoring indicators*

*corresponds to the practice of developed countries. At the same time, the principles of its implementation can be considered well-founded and objective.*

*Ways to improve the Procedure for monitoring land relations, the draft of which has been published, and the monitoring of the land market are proposed.*

**Key words:** *land relations, land monitoring, soil monitoring, land relations monitoring, land market monitoring.*

### ***Analysis of recent research and publications.***

During the last decade, thanks to the initiative of international organizations, primarily the World Bank, monitoring of land relations was introduced in Ukraine as a new legal category. Implementation of relevant pilot projects was organized, two statistical yearbooks were published: "Monitoring of land relations in Ukraine. 2014-2015"[1] (prepared by Denys Nizalov, Kateryna Ivinska, Serhiy Kubakh, Oleg Nivyevskyi, Oleksandra Prokopenko) and "Monitoring of land relations in Ukraine. 2016-2017" [2] (prepared by Denys Nizalov, Vitaly Dankevich, Kateryna Ivinska). On August 23, 2017, the Cabinet of Ministers of Ukraine adopted a resolution "On the implementation of a pilot project on monitoring land relations and introducing changes to some resolutions of the Cabinet of Ministers of Ukraine" [3], which, in fact, played the role of a regulation on the status, structure, principles and organization conducting this monitoring and publishing its results.

The scientific community has held a number of collective events related to the establishment of monitoring of land relations, improvement of land protection, development of land management in modern conditions. On October 4, 2017, the National Academy of Agrarian Sciences of Ukraine hosted an All-Ukrainian round table on the topic: "Monitoring and protection of land: directions of revival" [4], and on June 23, 2022, a mixed mode (face-to-face and online) Round Table was held "Ukrainian chernozem: protection, monitoring, land management". [5] In total, more than 150 scientists and practitioners took part in these events. 22 academicians and correspondent members of the national academies of sciences, 11 people's deputies of Ukraine, heads of central executive bodies, scientists and teachers of higher education

institutions, employees of environmental and land management organizations made presentations and discussed them. An Appeal to the State Leadership on overcoming the crisis situation in the field of land protection and to the Government of Ukraine on taking measures to protect and restore land resources under martial law was accepted and sent.

Scientific research on the application of methods of remote sensing of the Earth, the establishment of land monitoring, the development of land relations, the land market, and land use management was also intensified. Articles in scientific journals on the specified problems were published by scientists: V.A. Velichko, A.G. Martyn, I.O. Novakovska, A.M. Tretyak, P.F. Kulinich, E.V. Butenko, S.M. Smirnova and other. [6-13]

However, the problems of the development of the land monitoring system, in particular, land relations, the land market, the use of information sources and legal support require additional research, elimination of duplication of information of constituent parts and structural units of monitoring.

**The purpose of the study** is to establish the peculiarities of the formation of land monitoring in Ukraine, its development with inclusion in the structure of land monitoring, soil monitoring, as well as the initiation of a new legal category - monitoring of land relations with the inclusion of the land market as a component and determination of their improvement and functioning as an integral system of land management monitoring at the current stage of development of land relations in the country.

Research materials and methods. The work uses materials from land legislation, research by domestic and foreign scientists, pilot projects developed with the support of the World Bank and the EU "Supporting transparent management of land resources in Ukraine". In the research process, methods of analysis and synthesis were used, monographic, comparative-legal, system-analytic, depending on the tasks that were determined to achieve reasonable results.

## **Research results.**

The land is the only universal condition of life, the natural basis of production, the all-encompassing factor of any human activity. It is not only a general territorial base for the placement of all productive forces and population settlement, but also the main means of agricultural and forestry production. It is common knowledge that without land the production process would be impossible at all. 98% of the total volume of all food is produced on earth.

The Constitution of Ukraine, based on the irreplaceability of land as a natural resource, quite naturally recognized it as the main national wealth under special state protection. Economical, effective, rational and ecologically safe use of lands, their protection in every way in modern conditions is one of the most urgent problems of the state's national security.

The unique land resource potential of Ukraine, which in 2021 provided the grain needs of 400 million people in the world, ranks first in the area of agricultural land in Europe, ranks fourth after Russia, the USA, and China in terms of the area of black earth soils. In connection with the specified principle of compliance with the priority of ecological safety requirements in the use of land, protection from harmful anthropogenic influence, reproduction of soil fertility, prevention of unjustified extraction of agricultural and forestry lands, provision of a special land use regime depending on the categories of the land fund, can be considered constituent parts of the constitutional regulations regarding the special protection of lands as the main national wealth.

Land monitoring plays an important role in the management system in the field of land use and protection. For the first time in Ukraine, land monitoring was introduced by the Land Code (as amended by Law of Ukraine No. 2196-12 dated 13.03.1992). In Chapter V "Control over the use and protection of lands and their monitoring" by Article 95, monitoring is defined as "a system of monitoring the state of the land fund, including lands located in radioactive contamination zones, with the aim of timely detection of changes, their assessment, reproduction and liquidation of the consequences of negative processes". [14] It is noted that "the structure, content and procedure of land monitoring is established by the Cabinet of Ministers of

Ukraine" The Resolution of the Cabinet of Ministers of Ukraine dated August 20, 1993 No. 661 approved the "Regulations on Land Monitoring", which during 2003-2021 included Changes were made seven times. [15]

In connection with the adoption of the new Land Code on October 25, 2001, which entered into force on January 1, 2002, land monitoring is determined by an independent Chapter 33 of Chapter VII "Management in the field of land use and protection". [16] This chapter contains Art. 191 - Assignment of land monitoring and Art. 192 - Land monitoring tasks. Therefore, land monitoring, in comparison with the previous Code, became an independent constituent part - a chapter of the new Code, fundamentally changing and expanding the content, structure and order of presentation. Only item 1 of Art. 191 of the new Code repeats the provisions of the first part of Art. 95 of the Code of 1992. Five items (items 2-6) of Art. 191 and Art. 192 have a different edition. It should be noted that the wording of Chapter 33 "Land Monitoring" of the current Land Code in many cases repeats the wording of some clauses of the Regulation on land monitoring, approved on August 20, 1993 (with amendments) by the Cabinet of Ministers of Ukraine.

Concluding the analysis of the provisions regarding the presentation of land monitoring articles in the Land Codes of 1992 (Article 95) and 2001 (Article 191), we note that "The structure, content and procedure of land monitoring shall be established by the Cabinet of Ministers of Ukraine" (Article 95). According to Art. 191 "The Cabinet of Ministers of Ukraine establishes only the procedure for land monitoring." Such a document was not adopted by the Cabinet of Ministers, which negatively affects the formation of the land monitoring system in the country and is evidence of conflicting legal provisions.

According to the legislation, the object of monitoring is all land, regardless of the forms of ownership of it. Depending on the purpose of observations and the degree of coverage of territories, monitoring is divided into:

- ✓ national (on all lands),
- ✓ regional (on territories with a unity of physical and geographical, ecological and economic conditions);

- ✓ local - on separate land plots and parts of landscape and ecological complexes.

According to the Regulations on land monitoring, soil monitoring is a component of land monitoring. It is conducted by the Ministry of Agrarian Policy in accordance with the Regulation approved by it.

"Land monitoring consists of systematic observations of the state of the land (agrochemical certification of land plots, surveying, inspection and search), detection of changes in it, as well as assessment:

processes associated with changes in soil fertility (development of water and wind erosion, loss of humus, deterioration of soil structure, waterlogging and salinization), overgrowth of agricultural land, land contamination with pesticides, heavy metals, radionuclides and other toxic substances;

state of coastlines of rivers, seas, lakes, bays, reservoirs, estuaries, hydrotechnical structures;

processes related to the formation of ravines, landslides, rural streams, earthquakes, karst, cryogenic and other phenomena;

the condition of the lands of settlements, territories occupied by oil and gas production facilities, treatment facilities, manure storage facilities, warehouses of fuel and lubricants, fertilizers, parking lots for vehicles, disposal of toxic industrial waste and radioactive materials, as well as other industrial facilities." [15]

At the local and regional level, land monitoring is carried out by territorial bodies of the State Geocadastr, and at the national level by the State Geocadastr. Land monitoring is carried out by the State Geocadastr with the participation of the Ministry of Environment, the Ministry of Agrarian Policy, the National Academy of Agrarian Sciences, and the State Space Agency. According to Art. 191 of the Land Code, land monitoring is carried out by the central executive body that implements state policy in the field of land relations, by the central executive body that implements state policy in the field of environmental protection. According to the Order of the Ministry of Agrarian Policy of Ukraine dated February 26, 2004 No. 51 "On the approval of the Regulation on soil monitoring on agricultural lands" [17]

executive authorities, which currently do not exist (the Ministry of Agrarian Policy, the Ministry of Natural Resources, the State Committee for Agriculture, the State Water and Gas Administration) are proposed as executors ).

Therefore, there is no system and logic in the determination of those responsible for conducting land monitoring according to the Regulation approved by the Cabinet of Ministers of Ukraine. No automated monitoring technical support system has been created. Approved by the Derzhkomzem of Ukraine in March 1997, the main measures to create a land monitoring system during 1997-2005 remained unfulfilled. Reports, forecasts and recommendations for taking appropriate measures to prevent the elimination of the consequences of negative processes were very rarely submitted to central executive authorities and local self-government bodies. [11]

At the national, regional, and local levels, the implementation of the moratorium is connected with the administrative-territorial division. However, in connection with the reform of local self-government and the decentralization of power beyond the regions and districts, monitoring is also extremely necessary for territorial communities. Considerable areas of state-owned agricultural lands outside settlements are transferred to their ownership. Therefore, monitoring the condition of lands in the territory of communities in order to identify changes, evaluate them, prevent and eliminate the consequences of negative processes becomes a rather urgent task of organizing rational land use. [10]

Despite the fact that the Regulation on the state environmental monitoring system was approved by the Cabinet of Ministers of Ukraine on March 30, 1998 [18] (the Regulation on land monitoring was approved by the Cabinet on August 20, 1993) and according to the current Land Code (Article 191) land monitoring is a component part of the state environmental monitoring system, the Regulations on land monitoring still do not contain such a norm. This can partially explain why there is no unified land monitoring system in Ukraine.

The state environmental monitoring system is a system of observation, processing, transmission, preservation and analysis of information about the state of the environment, forecasting its changes, and developing scientifically based

recommendations for making decisions on preventing negative changes in the state of the environment and complying with environmental safety requirements. [18] The environmental monitoring system is an integral part of the national information infrastructure compatible with similar systems in other countries. The indicated system is an open information system, the priorities of which are the protection of the vital ecological interests of man and society; preservation of natural ecosystems; averting crisis changes in the ecological state of the environment and preventing emergency environmental situations.

"The environmental monitoring system is aimed at:

increasing the level of study and knowledge about the ecological state of the environment;

ensuring efficiency and quality of information service for users;

improving the quality of substantiation of environmental protection measures and the effectiveness of their implementation;

promoting the development of international cooperation in the field of environmental protection, rational use of natural resources and environmental safety."

[18]

In accordance with the Regulations, as part of environmental monitoring, the monitoring of soils, landfills and household waste, land in radioactive contamination zones, pesticide content, agricultural use of land and soils, forest fund lands, dangerous natural phenomena, irrigated and drained lands, soils and landscapes is carried out by the Ministry of Environment, Ministry of Health, Ministry of Agrarian Policy, State Emergency Service, State Geocadastr, State Geodesy, State Hydrometeor, State Water Agency, State Forestry Agency.

However, the implementation of the main tasks of monitoring, defined by Article 192 of the Land Code of Ukraine, regarding the forecast of ecological and economic consequences of the degradation of land plots in order to prevent or eliminate the effect of negative processes, is impossible due to the lack of legal, economic, ecological and other information necessary for this. Forecasts of the most negative phenomena that can cause land degradation due to water and wind erosion,



flooding, landslides, waterlogging, soil compaction, land contamination with radionuclides, heavy metals, chemicals, etc., are relevant when forecasting the consequences of land degradation. [10]

The object of special protection, as specified in Art. 168 of the Land Code of Ukraine, there are soils of the land plot. Soil cover is also considered one of the important objects of the country's environmental monitoring system. Soil monitoring as an independent component of land monitoring was introduced in 2003 in accordance with the Law of Ukraine "On Land Protection". [19]

Article 16 of this Law places the provision of soil monitoring and agrochemical certification of agricultural lands under the authority of the central executive body that implements state policy in the field of land relations, in the field of land protection (State Geocadastre). State Geocadaster, according to Art. 54, soil monitoring is also carried out on agricultural lands. However, the Regulation on land monitoring approved by the Cabinet of Ministers on 20.08. 1993 (with amendments) soil monitoring must be carried out by the Ministry of Agrarian Policy in accordance with the regulations approved by it (this regulation was approved by the Ministry on February 26, 2004, but it is not codified).

Since the approval, the very name of the ministry has also changed. It is also difficult to establish the specific boundaries of agricultural lands, since there are no boundaries of this category of land in the State Land Cadastre. Perhaps it would be more appropriate to conduct this monitoring in an area that includes "agricultural land", as it is called in the countries of the European Union. The agrochemical land certification system should also be streamlined. The basis for the economic regulation of soil cover protection could be the system operating in the countries of the European Union and the creation of a Special Land Protection Fund. [20]

According to the current legislation, from 1993 to 2017, land monitoring and soil monitoring functioned as a component of land monitoring in Ukraine. In practice, it can be assumed that during this period there was one land monitoring (Land monitoring), which was called - land monitoring. In scientific literature, in addition, the terms "monitoring of land resources", "monitoring of land use", "monitoring of

agricultural land use" were used. Like land monitoring and soil monitoring, they had an ecological orientation - preservation of one of the types of ecosystems - land resources, averting crisis changes in the ecological state of the environment and prevention of emergency ecological situations. Undoubtedly, the information contained in the specified monitoring is incomplete, mostly has limited access, is not systematized and dispersed, and most importantly, cannot be effectively applied to solve extremely important social and economic problems of rational land use, development of land relations in the country. This applies equally to issues of greening of land use and socio-economic problems of special protection of land as the main national wealth in accordance with current legislation. [21]

In connection with the above, it is completely natural and timely to introduce monitoring of land relations in Ukraine in 2017 in accordance with the Decree of the Cabinet of Ministers of Ukraine dated August 23, 2017 No. 639 "On the implementation of a pilot project on monitoring land relations and making changes to some resolutions Cabinet of Ministers of Ukraine". [3]

It is common knowledge that land relations are social relations. Therefore, they concern society as a whole, i.e. the subjects of land relations are citizens, legal entities, local self-government bodies and state authorities.

The objects of the specified relations are lands within the territory of Ukraine, land plots and rights to them, including land shares (shares). Land relations are considered to be related to the ownership, use and disposal of land. This triad unites land ownership relations. It is believed that the types of land relations should also include land protection and land use management.

The procedure for the implementation of the pilot project on the monitoring of land relations, which was approved by the Cabinet of Ministers Resolution No. 639 of 23.08.2017, established that "monitoring of land relations (hereinafter monitoring) is the systematic collection, preservation, generalization and publication of information about the state of land relations, which is provided by subjects of information interaction, according to the recommended list of data and indicators that are submitted in the process of information interaction for monitoring." [3]

The recommended list of indicators that are submitted in the process of information interaction is given in the appendix, which allows, if necessary, to supplement or change them in a timely manner, keeping in mind the creation of an open information system that reflects the state of development of land relations in Ukraine, and ensuring their transparency. The determination of the essence of monitoring of land relations is not established at the legislative level. However, the mechanism of mutual exchange of information between the subjects of information interaction for the purpose of systematization and generalization of data on the ownership, use and disposal of land plots cannot be considered a complete monitoring of land relations. More precisely, it is a system of mutual information exchange.

The existence of monitoring of land relations at the legislative level is confirmed by the norm of Art. 25 of the Law of Ukraine "On Land Appraisal" regarding land market monitoring as amended by Law No. 1423-IX dated 28.04.2021 "The monitoring of the land market is carried out as part of the monitoring of land relations by the central executive body that implements state policy in the field of land relations, based on information State register of property rights to immovable property and their encumbrances on the price (value) of land plots, the price (value) of other property rights to land plots, the amount of fees for using other people's land plots. The results of land market monitoring are published at least once every three months. Monitoring of the land market is carried out in accordance with the procedure established by the Cabinet of Ministers of Ukraine." [22]

It should be noted that another name was proposed for the new legal category - monitoring of land relations. The draft Law on Amendments to Certain Legislative Acts on the Restoration of the System for Registration of Lease Rights for Agricultural Land Plots and Improvement of Land Protection Legislation dated 05.08. No. 7636 of 2022, which is recommended for adoption in the second reading by the Verkhovna Rada of Ukraine on amendments to the Law of Ukraine "On Land Valuation", refers to the specified monitoring as "public monitoring of land relations". In particular, it is indicated that "monitoring of the land market is carried

out as part of public monitoring of land relations", and public monitoring of land relations and monitoring of the land market as part of it is carried out in accordance with the procedure established by the Cabinet of Ministers of Ukraine. [23] Thus, the status of public monitoring of land relations, which has been legally functioning since September 1, 2017, and the monitoring of the land market (introduced in the version of Law 1423-IX dated 04/28/2021) as a component of the first monitoring remains ordinary, that is, non-public. When the Cabinet of Ministers approves the Procedure for monitoring land relations, these discrepancies can be eliminated, but the question remains regarding the Government's establishment of the Procedure for conducting land monitoring, which should replace the current Regulation on land monitoring, approved on August 20, 1993. The name "monitoring of land relations" could win as a uniting problem of land - resource, land relations, land use, use and special protection of land as the main national wealth, land market, etc.

The lack of detailed and reliable information that should characterize the development of land relations in the country based on available reporting data in local authorities and the high level of corruption in land relations led to the need to accelerate work related to ensuring the transparency of the use and protection of land resources. Within the framework of the Project "Supporting the reform of agriculture and land relations in Ukraine" with the assistance of the World Bank in cooperation with the Ministry of Agrarian Policy and Food of Ukraine, the State Geocadastre and other central bodies of the executive power, two stages of drafting pilot projects for monitoring land relations were carried out:

- 1) an unofficial pilot stage (during 2014-2017), which was carried out by the relevant authorities on the initiative and with the support of the World Bank;

- 2) the official pilot stage (2017-2019), which is carried out on the basis of a subordinate legal act - Resolution of the Kabinet Ministriv Ukrayiny dated August 23, 2017 No. 639 "On the implementation of a pilot project on monitoring land relations and making changes to postanov Kabinetu Ministriv Ukrayiny".

The procedure for the implementation of the pilot project on land relations monitoring, approved by the specified resolution, became a normative document for

the implementation of the moratorium itself. In accordance with the resolution of the Cabinet of Ministers of Ukraine, 65 indicators are included in the monitoring. Preference was given to those of them that correspond to the practice of developed countries and the recommendations of the World Bank (LGAF, 2013). These indicators are combined and include various characteristics of transactions with land plots, land tax, litigation, land privatization, land acquisition, ensuring the rights of different categories of land owners and land users. The introduction of monitoring of land relations corresponds to the principles declared in the UN FAO Voluntary Declaration on Land Management. [2]

Monitoring is based on the following principles: timeliness and complexity of obtaining information: objectivity of information, promptness of providing and inputting information; openness of results.

The provision of information is carried out on electronic media or through direct automated exchange of electronic data or other agreed methods. The organization of monitoring is entrusted to the Ministry of Agrarian Policy. A land monitoring portal has been launched on the website of the State Geocadastre. Information on the agricultural land market is published in a timely manner.

Therefore, monitoring of land and monitoring of land relations began to work as a complex mechanism. This will make it possible to create a system of observation of land resources on a scientific basis, which would be unified, automated, public and reliable. Ensuring the publicity of information and its availability became a prerequisite not only for the organization of effective and environmentally safe ownership, use and disposal of land, but also a means of forming a system of special protection of land as the main national wealth of the state in compliance with the principles of land use greening and socio-economic principles of land turnover in market conditions.

In accordance with the Land Code of Ukraine, the Law of Ukraine "On Land Protection", the Law of Ukraine "On Land Appraisal", we need to have normative legal acts on the procedure for land monitoring, soil monitoring on agricultural land, land relations monitoring, land market monitoring. Approved by the Cabinet of

Ministers of Ukraine in August 1993The regulation on land monitoring (with amendments and additions) is outdated, does not correspond to the name that this document should have according to the legislation (Land Code), contains a number of conflicting provisions. The regulation on soil monitoring, which was approved by the Ministry of Agrarian Policy in February 2004, has not been codified since its adoption, entrusts the implementation of soil monitoring works to the central bodies of the executive power, which have not existed for a long time, a number of regulations contradict the Land Code and the Regulation on land monitoring approved by the Cabinet of Ministers.

Instead of the procedure for monitoring land relations, which has not yet been approved, there is a temporary document on the implementation of a pilot project on monitoring land relations and making changes to some resolutions of the Cabinet of Ministers of Ukraine, which was approved by a resolution of the Cabinet of Ministers in August 2017. A draft resolution of the Cabinet of Ministers of Ukraine has been prepared. On ensuring the monitoring of land relations" and the corresponding draft of the Procedure for this monitoring, including the monitoring of the land market. [24]

Thus, the Cabinet of Ministers of Ukraine can adopt four regulations (on land, soil, land relations, land market monitoring); three regulations (on land, soil, land relations monitoring, including the land market); two regulations (on land and soil monitoring; on monitoring land relations, including the land market). As an option, a single document, the draft of which could be adopted and which could have the name - Procedure for conducting monitoring of land or Procedure for conducting monitoring of land relations, cannot be considered.

Since one of the main sources of land cadastral information is called a public cadastral map, and the use of an electronic procurement system related to the functioning of the land market is considered public procurement, land monitoring or monitoring of land relations should also be public. At the same time, it is important to define in one of the legislative acts the essence of land monitoring, especially monitoring of land relations. First of all, such norms should be contained in the Land

Code of Ukraine as one of the fundamental sources of land legislation. This proposal is supported by many scientists. [9, 13]

As for the published project "Procedure for monitoring land relations, including monitoring of the land market", this title does not contain the norms of the Law "On Land Valuation" regarding the implementation of monitoring, meaning "monitoring" not as a process (action), but as system name. In our opinion, the name of the draft Government resolution "On ensuring the monitoring of land relations" is more justified. It is unnecessary to indicate in the title of the Procedure that the monitoring of the land market is laid out, including as part of the monitoring of land relations.

These are editorial reflections, but the fact of the specified project is the lack of structure of both projects. If the composition, structure, procedure for implementation and publication of land relations monitoring materials are laid out on six pages of computer text and number 31 items, then the provision in it on monitoring the land market includes only one section "Features of monitoring the land market". It has two points (32 and 33), the first of which lists monitoring objects, including: the price (cost) of the land plot); the price (value) of other property rights to the land plot; the amount of payment for the use of someone else's land plot. Their total number is four times less than the list of similar information contained in the published statistical yearbook "Monitoring of Land Relations in Ukraine: 2016-2017". The content of paragraph 33 is a reference, which indicates that the procedure of information interaction, processing of land market monitoring objects, publication of the results and their use are carried out in accordance with the requirements of this Procedure, i.e. in a similar way to the monitoring of land relations. Features of market monitoring occupy 14 lines of text. There are also a number of other editorial proposals.

And yet, the main problem of the specified draft of the Order, in our opinion, is the confirmation of the use for monitoring of only available data in the order of information interaction, as well as public information in the form of open data published on the state web portal. This is not enough to have the characteristics of many processes that occur in the regulation of land relations, which are absolutely

necessary, but are currently missing for various reasons in public access. This can be confirmed by the current situation of martial law in the country, the period of recovery and reconstruction of the economy, unforeseen circumstances that do not have the necessary information support.

In such cases, the creation of new information sources, which are not provided for in the structure of land relations monitoring, should be encouraged by the Monitoring Procedure as an initiative of the interaction participants. For this purpose, the composition of the subjects of information interaction should be expanded and specified, the objects of monitoring may be data sets that have not been made public before. Monitoring of land relations should be not only the result of processing, systematization and coordination of available data, but also provide, in necessary cases, the creation of elements of one's own information base.

### ***Conclusions.***

The initiation of land monitoring in the country coincided in time with the beginning of land reform, the introduction of private ownership of land, and the legalization of the principles of legal regulation of the organization of land protection. The thirty-year period of formation and development expanded the spheres of influence of the indicated monitoring to the observation of soil cover (2003), land relations (2017), land market (2021). Bases, environmental monitoring, scientifically based development and regulation of land relations, effective circulation of land plots (land market).

The Regulation on land monitoring (1993) needs a significant substantive update. The information base regarding the quantitative and qualitative condition of lands and lands, inventory updating of land resources and soil cover remains unsatisfactory. Necessary norms and standards in the field of reproduction of soil fertility, permissible anthropogenic load and the level of agricultural development of the land fund have not been developed.



The legal regulation of the further development of land monitoring should aim to create a system of monitoring land resources that would be unified, automated, public, reliable, based on satellite observation materials and take into account the structure and practice of the European Community Land Monitoring Service. Taking into account the peculiarities of the formation of the existing monitoring system, it should include land monitoring and monitoring of land relations with the corresponding legal framework.

The priority tasks to be implemented should be considered:

making changes to the Land Code and other legislation regarding establishing the status and features of monitoring land relations, as well as developing provisions (procedures) for conducting monitoring;

development of regulations and standards regarding land protection and restoration of soil fertility, which were provided for in 2003 by the Law of Ukraine "On Land Protection";

development of a scientific program of continuous soil surveys taking into account the consequences of changes in the soil cover in connection with the armed aggression of the Russian Federation and preparation of a project of decisions and proposals regarding the sources of funding for the specified works.

### **References.**

1. Monitoring of land relations in Ukraine: 2014-2015. Statistical yearbook. Available at: <http://land.gov.ua/wp-content/uploads/2016/03/pdf>
2. Monitoring of land relations in Ukraine: 2016-2017. Statistical yearbook. Available at: <https://land.gov.ua/wp-content/uploads/2018/10/monitoring.pdf>
3. Postanova Kabinetu Ministriv Ukrayiny № 639 vid 23.08.2017 r. «Pro 1. realizatsiyu pilotnoho proektu shchodo provedennya monitorynhu zemel'nykh vidnosyn ta vnesennya zmin do deyakykh postanov Kabinetu Ministriv Ukrayiny» Available at: <https://zakon.rada.gov.ua/laws/show/639-2017-%D0%BF#Text>

4. Zvernennya do Uryadu Ukrayiny pro vzhyttya zakhodiv shchodo okhorony ta vidnovlennya zemel'nykh resursiv v umovakh voyennoho stanu..(201) Bulletin of Agricultural Science. № 11 5-8
5. Zvernennya do Uryadu Ukrayiny pro vzhyttya zakhodiv shchodo okhorony ta vidnovlennya zemel'nykh resursiv v umovakh voyennoho stanu (2022). Bulletin of Agricultural Science. № 7. 5-12
6. Velichko V.A., Martin A.G., Novakovska I.O. (2020) Soil monitoring of Ukraine - problems of land management, soil science and scientific support. Bulletin of Agricultural Science. 7/808. 5-16 p.p. (DOI: <https://doi.org/10.31073/agrovisnyk202007-01>)
7. Tretyak A. M., Tretyak V. M., Pryadka T. M., Kapinos N. O., Lobunko Yu. V. (2022) Land monitoring in Ukraine: concept and methodology of formation. Ahrosvit. № 1. 3-12. DOI: 10.32702/2306&6792.2022.1.3
8. Kulinich P.F., Novakovska I.O. ( 2022) Special protection of lands of Ukraine as the main national wealth: theoretical and legal aspects. Land management, cadastre and land monitoring. №2. 97–106.
9. Kulinich P.F. (2019) Monitoring of land relations in the system of legal monitoring: concept, development, prospects. Almanac of law. Legal monitoring and legal expertise: issues of theory and practice. – Issue 10. – K.: Institute of State and Law named after V. M. Koretsky National Academy of Sciences of Ukraine,. № 10. 50-56.
10. Novakovska I.O. (2016) Monitoring of agricultural land use. Visnyk ahrarnoyi nauky. №4. 69-75
11. Novakovska I. (2017) Methodological aspects of preservation of the main national wealth of Ukraine. Herald of Agrarian Science. № 8 (95). 71-76. (DOI: <https://doi.org/10.31073/agrovisnyk201708-12>)
12. Butenko E.V., Kononyuk A.V. (2020) Monitoring of land relations in Ukraine: status and development prospects. Land management, cadastre and land monitoring. № 1. 118-125

13. Smyrnova S. M., Smyrnov V. M., Mas A. Yu., Borisova A. V. (2021) The current state and prospects for the development of monitoring of land relations. Investments: practice and experience. № 4. 62-66 DOI: 10.32702/2306-6814.2021.4.62
14. Land Code of Ukraine v red. Zakonu Ukrayiny 2196-12 vid 13.03.1992 r. Available at: <https://zakon.rada.gov.ua/laws/show/561-12#Text>
15. Postanova Kabinetu Ministriv Ukrayiny № 661 vid 20.08.1993 r. «Polozhennya pro monitorynh zemel'» Available at: <https://zakon.rada.gov.ua/laws/show/661-93-%D0%BF#Text>
16. Land Code of Ukraine 2001, Available at: <https://zakon.rada.gov.ua/laws/show/2768-14#Text7>.
17. Nakaz Ministerstva Ahrarnoyi Polityky Ukrayiny vid 26.02.2004 r. № 51 «Pro zatverdzhennya Polozhennya pro monitorynh gruntiv na zemlyakh sil's'kohospodars'koho pryznachennya» Available at: <https://zakon.rada.gov.ua/laws/show/z0383-04#Text>
18. Postanova Kabinetu Ministriv Ukrayiny vid 30.03. 1998 r. «Pro zatverdzhennya Polozhennya pro derzhavnu systemu monitorynhu dovkilliya». Available at: <https://zakon.rada.gov.ua/laws/show/391-98-%D0%BF#Text>
19. Zakon Ukrayiny vid 19.06.2003 r. № 962-IV «Pro okhoronu zemel'». Available at: <https://zakon.rada.gov.ua/laws/show/962-15#Text>
20. Novakovsky L.Ya., T.O. Yevsyukov T.O., Novakovska I.O. (2022) Land use management: problems of protection of the main national wealth. Land management, cadastre and land monitoring. № 1. 4–17
21. Novakovska I.O. (2018) Economics of land use. textbook.. P. 400
22. Zakon Ukrayiny № 1378-IV vid 11.12.2003 r. «Pro otsinku zemel'». Available at: <https://zakon.rada.gov.ua/laws/show/1378-15#Text>
23. Proyekt Zakonu Ukrayiny v red. vid 05.08.2022 r. № 7636 «Pro vnesennya zmin do deyakykh zakonodavchykh aktiv shchodo vidnovlennya systemy oformlennya prav orendy zemel'nykh dilyanok sil's'kohospodars'koho

pryznachennya ta udoskonalennya zakonodavstva shchodo okhorony zemel'».

Available at: <https://itd.rada.gov.ua/billInfo/Bills/Card/40167>

24. Projekt Postanovy Kabinetu Ministriv Ukrayiny «Poryadok monitorynhu zemel'nykh vidnosyn, u tomu chysli monitorynhu rynku zemel'». Available at: <https://land.gov.ua/wp-content/uploads/2021/07.pdf>

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## **СИСТЕМА МОНІТОРИНГУ ЗЕМЕЛЬ: ЗАСАДИ ФОРМУВАННЯ ТА ПРОБЛЕМИ РОЗВИТКУ**

У статті розглядаються структура, зміст і порядок здійснення моніторингу земель, особливості його розвитку та правового регулювання, обґрунтовується необхідність здійснення спостережень за станом земель у процесі децентралізації влади та удосконалення місцевого самоврядування в Україні.

Аналізуючи належність моніторингу земель до державної системи моніторингу довкілля як його складової частини встановлено, що вказана норма відсутня у Положенні про моніторинг земель, що не дозволяє вважати ці моніторинги єдиною системою. Не кодифіковано досі і Положення, що затверджено Мінагрополітики 26.02.2004 р. щодо моніторингу ґрунтів, не впорядковано агрохімічну систему паспортизації землі як одного з джерел одержання достовірної інформації про ґрунтовий покрив.

Визнано закономірним і своєчасним запровадження з 1 вересня 2017 р. у країні моніторингу земельних відносин і розроблення пілотних проектів їх впровадження та реалізації. Представлено об'єкти цього моніторингу, визначено його завдання та суть, особливості методології уведення до складу моніторингу земельних відносин моніторингу ринку земель. Підкреслюється, що вибір показників моніторингу відповідає практиці розвинених країн. При цьому принципи його здійснення можна вважати обґрунтованими і об'єктивними.

Запропоновано шляхи удосконалення Порядку моніторингу земельних відносин, проект якого опубліковано, та моніторингу ринку земель.

**Ключові слова:** земельні відносини, моніторинг земель, моніторинг ґрунтів, моніторинг земельних відносин, моніторинг ринку земель.