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**INSTITUTIONAL APPROACHES TO THE PLANNING OF SUSTAINABLE  
USE AND PROTECTION OF AGRICULTURAL LANDS ON THE  
TERRITORY OF INDIVIDUAL LAND USES**

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**Abstract.** *The concepts of institutions and institutional approaches are studied. On the basis of institutional approaches to the planning of sustainable use and protection of agricultural lands of individual land uses, a system of institutes was formed, which include: the Institute of Land Management, the Institute of Land Monitoring, the Institute of the State Land Cadastre, the Institute of Local Self-Government, and the Institute of Local Traditions. The importance and effectiveness of these institutions, namely as systems and their relevance, are substantiated. The tools of these institutes, which allow for planning the sustainable use and protection of agricultural lands of individual land uses, as well as their implementation, have been analysed.*

*The institute of land management and its tools, such as land management schemes and technical and economic justifications for the use and protection of lands of administrative territorial units, territories of territorial communities, and complex plans for the spatial development of the territory of the territorial community, are analysed in detail. The need to introduce a tool of land management regulations to*

*expand the possibilities of the institute of land management in planning the use of territories located outside of settlements is justified. The importance of the institution of land monitoring is substantiated and the urgency of creating and implementing an automated land monitoring system is emphasized. The current state of the Institute of the State Land Cadastre was investigated and the expediency of expanding the list of objects of the State Land Cadastre by adding "agricultural land use" was substantiated. It was found that the significance of the institution of local self-government in the context of planning the sustainable use and protection of agricultural lands of individual land uses increases due to the expansion of the powers of local authorities in the process of decentralization of power. The need to take into account local agricultural traditions when planning the sustainable use and protection of agricultural lands of individual land uses has been confirmed.*

**Key words:** *institutions, institutional approaches, agricultural land, land use, sustainable use and protection of agricultural land, land management, State Land Cadastre, local self-government.*

**Problem statement.** Protection of agricultural lands is one of the key tasks of society and the state institutions. This task is particularly relevant due to the military invasion of the Russian Federation, as a result of which significant areas of agricultural land in Ukraine are affected by hostilities or found in temporarily occupied territory. According to the NASA Harvest program, as of July 2022, 22% of agricultural land is under temporary occupation, which is more than 9 million hectares [1]. However, taking into account the agricultural lands of Sumska, Chernihivska, Kyivska, Zhytomyrska, Kharkivska, Mykolaiivska, Khersonska and Dnipropetrovska oblasts, which as of July had already been deoccupied, or which were damaged as a result of hostilities, we state that more than 10 million hectares of agricultural lands of Ukraine have been affected by hostilities or temporarily occupied. Accordingly, they need reclamation or conservation. Some of this land will eventually be returned to active agricultural use, but some may be lost to agricultural production for decades.

Accordingly, the issue of researching institutional approaches to the planning of sustainable use and protection of agricultural land on the territory of individual land uses and institutions in particular becomes key. The relevance of institutions providing planning for the sustainable use and protection of agricultural land is extremely high.

**Analysis of the latest scientific research and publications.** The works of L. Novakovskiy, Y. Dorosh, M. Khvesyk, O. Dorosh, A. Tretiak, A. Martyn, Sh. Ibatullin, O. Shkuratov, O. Shevchenko, A. Barvinskyi, I. Kupriyanchyk, M. Frolova, M. Stetsiuk, V. Chudovska are devoted to the study of institutional approaches and institutions in general in the context of planning for the sustainable use and protection of agricultural land for agricultural purposes.

In particular, Y. Dorosh investigates the ecological and economic foundations of the formation of the institution of restrictions and encumbrances in the use of land, analyses in detail the institution of restrictions and encumbrances in the use of land, in particular in the context of land protection of individual land uses. Claims that the concept of the institutional system of formation of restrictions and encumbrances in the use of land is based on the classical principles of neo-institutionalism, as well as on the laws inherent in social relations [2].

Land conservation studies are also noteworthy in the context of this study. In particular, O. Dorosh states that scientifically based methodological measures for land protection should be planned and implemented in the appropriate hierarchical sequence: territory – landscape – land plots – soil cover [3]. A. Martyn and O. Shevchenko come to the conclusion that it is necessary to develop and implement measures aimed at limiting the further intensification of agriculture [4]. Research by A. Barvinskyi, I. Kupriyanchyk, and O. Herasymenko. aimed at the formation of proposals for the improvement of regulatory and legal regulation of land protection, namely, the elimination of legal conflicts and the filling of gaps in the legal field in the field of land protection [5].

Accordingly, **the aim of the research** is the formation of institutional approaches to the planning of sustainable use and protection of agricultural land in

the territory of individual land uses. In this research, a significant role is also given to military actions and their impact on the use and protection of lands.

**Materials and methods.** Various research methods are applied, in particular, these are methods of a general scientific and special nature. We highlight the following: scientific analysis – for the purpose of research and identification of institutes in the context of planning sustainable use and protection of agricultural land on the territory of individual land uses; monographic analysis – for a scientific and literary search for institutional approaches to the planning of sustainable use and protection of agricultural land in the territory of individual land uses.

**Results and discussion.** First of all, it is necessary to clearly define what we mean by institutions and institutional approaches. D. North claims that institutions are designed to form a certain structure of society and economy, which is formed by a set of formal and informal norms and rules and organizations (institutions) that are designed to ensure the implementation of these norms and rules [6]. Regarding the institutional approach, O. Tkachova interprets it as “...the methodology of scientific knowledge and practical activity, which examines the mechanisms of interaction and connections of subjects of social relations, evaluates their behavior in the fulfillment of norms (formal and informal) and gives an assessment of the effectiveness of structures (institutions)” [7]. Accordingly, we will consider the institutions that form norms and rules and their impact on social relations in the context of planning the sustainable use and protection of agricultural land for agricultural purposes in the territory of individual land uses.

We consider it necessary to start our study of individual institutes with the **institute of land management**, which is formalized in the Land Code of Ukraine and the Law of Ukraine “On Land Management”. The Land Code, in particular Article 12, defines that the organization of land management belongs to the powers of village, settlement and city councils [8]. However, more important in the context of the effectiveness of the tasks and toolkit of the Institute of Land Management is the Law "On Land Management", in particular, Article 25 of this Law defines an exclusive list of documentation related to land management [9].

Law of Ukraine No. 711-IX dated 17.06.2020 “On Amendments to Certain Legislative Acts of Ukraine Regarding Land Use Planning” introduces new documentation that is both land management and urban planning. Accordingly, the changes made to Article 25 of the Law of Ukraine “On Land Management” and from July 24, 2021, general plans of settlements; detailed plans of territories, as well as comprehensive plans of spatial development of territories of territorial communities are both land management and urban planning documents [10].

However, the blurring of boundaries between land management and urban planning documentation carries risks. Since the documentation belonging to two spheres must be developed jointly by specialists from both spheres, a conflict is possible in the adoption of planning measures, because each of the spheres solves its own tasks and there is a potential conflict between their measures. If we are talking about the context of sustainable use and protection of agricultural land, then expanding the list of land management documents with documents that actually belong to another field does not create additional tools and opportunities, but rather potentially new risks. After all, the documents, which in their essence are intended for the urban development planning, do not have the tools to ensure the sustainable use and protection of agricultural land.

In the context of the study, land management schemes and technical and economic justifications for the use and protection of lands of administrative territorial units, territories of territorial communities, land management projects that provide ecological and economic justification for crop rotation and land management, and a comprehensive plan for the spatial development of the territory of a territorial community are significant. As for land management projects that provide ecological and economic justification for crop rotation and land management, they are, in accordance with Article 52 of the Law of Ukraine “On Land Management”, “developed at the request of landowners or land users for the purpose of organizing agricultural production and organizing agricultural land within the boundaries of land ownership and land use for effective management of agricultural production, rational

use and protection of land, creation of a favourable ecological environment and improvement of natural landscapes” [9].

Therefore, they contribute to the sustainable use and protection of agricultural land. However, small land users who will cultivate only separate plots of land and several plots of agricultural land do not order the development of such projects, and the majority of large commodity producers, not wanting to actually form certain restrictions for themselves in the form of a projected rotation of crops that will be balanced in economic and ecological aspects, avoid development of such projects focusing on maximizing short-term benefits.

Regarding the place and role of the land management scheme in the context of our research, it is worth quoting the conclusion of Y. Dorosh. and M. Stetsiuk.: “Land management schemes in the system of forecasting and planning of land use and protection are the main predictive and pre-project land management document that should answer the question of long-term (10 or more years) land use development of territorial units, taking into account the interests of the state, territorial communities, citizens and business” [11].

The last tool of the institute of land management in the context of sustainable use and protection of agricultural land, which we are considering, is a comprehensive plan for the spatial development of the territory of the territorial community. This instrument provides for the establishment of functional zones of the territory, which are defined by Article 1 of the Law of Ukraine “On Regulation of Urban Development Activities”. Article 16 of the same Law establishes that the functional zones of the territory establish requirements for development and landscape organization of the territory [12]. However, the functional zones of the territory defined by the urban planning law are essentially urban planning and do not take into account many needs and requirements for the sustainable use and protection of agricultural land.

Accordingly, it is advisable, in addition to the functional zones of the territory, to introduce also land management regulations, the definition of which is available in the scientific environment: “the order of land use, which is established within the

relevant territorial zones with the definition of the legal regime of the land use territory, which specifies the limit sizes of the land plot, restrictions on land use and types and parameters of permitted land use, types of preferential and concomitant use of land plots, which specify prohibited types of activities and obligations to perform certain actions” [13].

It is also important to consider other institutes in the context of planning the sustainable use and protection of agricultural lands, in particular **the institute of the State Land Cadastre**, which is the main information resource that collects information about its objects in accordance with Article 10 of the Law of Ukraine “On the State Land Cadastre”. This institute is important precisely because it collects information on lands within the state border of Ukraine and administrative-territorial units, as well as restrictions on land use and land plots [14]. Accordingly, this institute is very important in the context of our study, because it is a source of data used in the process of planning for the sustainable use and protection of agricultural land, and also contains information about the restrictions that can be established in the process of such planning. However, it would be advisable to supplement the existing list of objects of the State Land Cadastre by adding “agricultural land use” as one of the objects.

Also worthy of attention is **the land monitoring institute**, which is a component of the state environmental monitoring system and is formed through systematic observations of the state of the land. The Resolution of the Cabinet of Ministers of Ukraine “On Approving the Regulation on Land Monitoring” dated August 20, 1993 No. 661 defines the concept of land monitoring as follows: “a system of monitoring the state of the land for the purpose of timely detection of changes, their assessment, prevention and elimination of negative processes” [15]. In the context of planning for the sustainable use and protection of agricultural land, the land monitoring institute plays a key role in the process of identifying changes in land use, establishing correspondence between planned and implemented measures, and identifying risk processes that require the implementation of land protection measures.

An extremely important task is the creation of an automated land monitoring system, which would be an effective tool for studying the state of land use, identifying changes in land use, ensuring control over their use in accordance with the established legal regime, avoiding the processes of degradation of agricultural land, as well as agricultural land plots market monitoring. Modern challenges in the Ukrainian economy, which have become extremely acute in the context of the full-scale invasion of the Russian Federation and the need for digitalization of all processes, in particular in the context of land management, require just such an innovative solution [16].

Decentralization processes in Ukraine contribute to the significant growth of the role of **the institute of local self-government**, in particular in the field of land use planning and protection, because the scope of powers of local self-government bodies includes the planning of sustainable use and protection of agricultural land at the local level, in particular in the territory of individual land uses.

Decision-making regarding the development of land management documentation, in particular the above-mentioned land management schemes and comprehensive plans for the spatial development of the territory of the territorial community, belongs to the competences of local self-government bodies [9]. Land protection also belongs to their sphere of competence, in particular, Article 12 of the Law of Ukraine “On Land Protection” defines that village, settlement and city councils:

1. “develop, approve and implement programs and land management documentation regarding the protection and use of land in accordance with the law;
2. make decisions on implementation of state control over the use and protection of land by the executive bodies of village, settlement, and city councils;
3. carry out economic stimulation of rational use and protection of land in accordance with the law;
4. resolve other issues in the field of land protection in accordance with the law” [17].



Also, the growing importance of the local self-government institute is facilitated by the provisions of Law of Ukraine No. 2498-VIII of 10.07.2018 “On Amendments to Certain Legislative Acts of Ukraine on Solving the Issue of Collective Land Ownership, Improving the Rules of Land Use in Agricultural Land Arrays, Preventing Raiding and Stimulating Irrigation in Ukraine”. In this way, amendments were made to paragraph 21 of the Transitional Provisions of the Land Code of Ukraine, which provide for the transfer to the ownership of territorial communities of the lands of terminated collective agricultural enterprises. This provision does not apply to lands that were in private ownership at the time of entry into force of the specified changes. On the basis of this, local self-government bodies formed in territorial communities can carry out state registration of land plots formed on lands that pass into the ownership of territorial lands, as land plots of communal property [18].

It is also important to consider **the institute of local traditions**, which is informal, but plays an important role in the formation of local land use, because it is rooted in a specific area and is widespread among local residents, who are also landowners and land users. Accordingly, the sustainable use of lands and their protection in territorial communities are formed, including through traditions existing in certain territories. That is why it is necessary to take into account local agricultural traditions in the process of planning the sustainable use and protection of agricultural land.

**Conclusions and perspectives.** Institutional approaches to the planning of sustainable use and protection of agricultural lands allowed the formation of a system of institutions that ensures the planning of sustainable use and protection of agricultural lands of individual land uses. These include: the institute of land management, the institute of land monitoring, the institute of the State Land Cadastre, the institute of local self-government, and the institute of local traditions. Together, these institutes have the tools to plan for the sustainable use and protection of agricultural land of individual land uses, as well as to implement it.

We would like to emphasize that the institute of land management needs to strengthen its tools for planning the use of territories located outside settlements, in particular by introducing land management regulations. The land monitoring institute needs to create an automated land monitoring system, and the State Land Cadastre institute needs to expand the list of objects by adding “agricultural land use” as an object of the State Land Cadastre. The role of the institute of local self-government in the context of planning for sustainable use and protection of agricultural lands of individual land uses is growing in connection with the decentralization of power. There is also a need to take into account local agricultural traditions when planning the sustainable use and protection of agricultural lands of individual land uses.

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## **ІНСТИТУЦІЙНІ ПІДХОДИ ДО ПЛАНУВАННЯ СТАЛОГО ВИКОРИСТАННЯ ТА ОХОРОНИ СІЛЬСЬКОГОСПОДАРСЬКИХ ЗЕМЕЛЬ НА ТЕРИТОРІЇ ОКРЕМИХ ЗЕМЛЕКОРИСТУВАНЬ**

*Анотація.* Досліджено поняття інститутів та інституційних підходів. На підставі інституційних підходів до планування сталого використання та

охорони сільськогосподарських земель окремих землекористувань сформовано систему інститутів, до яких належать: інститут землеустрою, інститут моніторингу земель, інститут Державного земельного кадастру, інститут місцевого самоврядування та інститут місцевих традицій і звичаїв. Обґрунтовано важливість та ефективність даних інститутів, саме як системи та їх актуальність. Проаналізовано інструменти даних інститутів, що дозволяють здійснювати планування сталого використання та охорони сільськогосподарських земель окремих землекористувань, а також впроваджувати його.

Детально проаналізовано інститут землеустрою та такі його інструменти, як схеми землеустрою і техніко-економічні обґрунтування використання та охорони земель адміністративно-територіальних одиниць, територій територіальних громад та комплексні плани просторового розвитку території територіальної громади. Обґрунтовано потребу запровадження інструменту землепорядних регламентів для розширення можливостей інституту землеустрою щодо планування використання територій, що розташовані за межами населених пунктів. Обґрунтовано важливість інститут моніторингу земель та підкреслено нагальність створення та впровадження автоматизованої системи моніторингу земель. Досліджено актуальний стан інституту Державного земельного кадастру та обґрунтовано доцільність розширення переліку об'єктів Державного земельного кадастру за рахунок додавання «сільськогосподарського землекористування». З'ясовано, що значимість інституту місцевого самоврядування в контексті планування сталого використання та охорони сільськогосподарських земель окремих землекористувань збільшується за рахунок розширення повноважень місцевої влади в процесі децентралізації влади. Підтверджено необхідність врахування місцевих землеробських традицій та звичаїв при плануванні сталого використання та охорони сільськогосподарських земель окремих землекористувань.

**Ключові слова:** *інститути, інституційні підходи, сільськогосподарські землі, землекористування, стає використання та охорона сільськогосподарських земель, землеустрій, Державний земельний кадастр, місцеве самоврядування.*