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## Agricultural Land Use in Ukraine: Ensuring and Implementing the Right to a Safe Environment

Dmytro Sannikov<sup>\*</sup>, Vitalii Kovtun, Maryna Kovtun,  
Tamara Terekhova, Karina Ohanova

Yaroslav Mudryi National Law University  
61024, 77 Pushkinska Str., Kharkiv, Ukraine

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**Abstract.** Safe land use of agricultural territories implies the mandatory preservation of the state's land resources, which are its crucial strategic resources. The relevance of this study is conditioned upon the abundance of issues of safe land use in Ukraine, specifically in the agricultural sector of Ukraine, not least due to the difficulties of exercising the citizens' right to safe use of agricultural land. The main purpose of this study is the theoretical investigation of the possibilities of ensuring the right to a safe environment upon using agricultural land in Ukraine, with an assessment of the real possibilities of its practical implementation in modern economic conditions. The basis of the methodological approach in this paper is a combination of methods of systematic analysis of key aspects of safe land use applicable to agricultural land, with the method of abstract-logical research of the main aspects of the exercise of the citizens' right to a safe environment upon using agricultural land in Ukraine. The main results obtained in this paper should be considered the definition of the main priority areas for the development of the available legislative system in Ukraine in the context of ensuring the safety of agricultural activities and the assessment of the role of the state in ensuring the proper level of environmental safety of agricultural land use in terms of the prospects for the preservation of the agricultural land available in the country. The results that were obtained in this study, as well as the conclusions formulated on their basis, have substantial practical significance for agricultural workers concerned about the qualitative solution of problematic issues concerning the ensuring and practical implementation of their legitimate right to a safe environment upon using lands that belong to the agricultural sector of the national economy

**Keywords:** safe land use, agricultural lands in Ukraine, agricultural lands, land resources, soil fertility, safe environment



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<sup>\*</sup>Corresponding author

## INTRODUCTION

It is considered that any improvement of the land use process in the context of the existing land management system necessarily violates the sustainability of land resources and may adversely affect the future reproductive ability of agricultural land [1]. To date, the phrase “sustainable land use” is very widely used in the international practice of territorial planning and, apart from the immutability of borders, as a purely technical parameter, implies several aspects of both an economic and environmental nature.

The exercise of the right to a safe environment upon agricultural land use involves the consistent implementation of an entire range of legislative measures aimed at creating conditions for safe land use in the context of the implementation of the full range of practical tasks that have been set for enterprises operating in the agricultural sector of a single state and individual landowners [2]. Nowadays, in terms of the realities of the economic situation that has developed in Ukraine, ensuring the right to a safe environment upon agricultural land use in Ukraine should be interpreted as a guarantee of the safety of land use by the state, supported by regulations strictly governing both the order of land use and the measure of responsibility for violation of this legislative right. In any case, national regulation of issues of safe land use in this context is mandatory because otherwise, without a regulatory framework that clearly governs all conditions for the exercise of the right to a safe environment upon agricultural land use in Ukraine, it will be impossible to achieve high-quality regulation of all controversial issues that inevitably arise in the practical solution of issues concerning the agricultural land use [3].

The issues of increasing the efficiency of agricultural land use are of key importance in the context of practical aspects of land management activities in modern Ukraine. These issues cause certain difficulties in their practical resolution, from the standpoint of the natural and economic processes taking place today, and in some cases also predetermine the inapplicability of conventional approaches to obtaining information about the factual state of affairs in national agriculture. When discussing the real possibilities of exercising the right to a safe environment upon agricultural land use, one should consider the environmental situation in a particular region of agricultural activity, as well as the factual state of the land at the time of the start of any activity related to its development for economic purposes. It is necessary to consider the terrain, the total area of agricultural land that is used for arable land, hydrological factors and climatic features of a particular geographical region, as well as to pre-assess all possible consequences that may occur due to interference with the environment [4]. It is important to take into account the multifactorial nature of the issues of efficient agricultural land use. Furthermore, upon developing a qualitative assessment of the efficiency of the practical agricultural

land use, it is necessary to focus not only on economic and statistical factors, since such an approach invariably imposes many restrictions on the assessment of lands on which no information is available, and indicates the almost complete impossibility of introducing the concept of potential efficiency [5].

*The main purpose of this study* is to assess the degree of ensuring and exercising the right to a safe environment upon agricultural land use in Ukraine, in the current global economic situation in general and in Ukraine in particular. The theoretical and practical results obtained in this study can be further used to assess the current efficiency of the national policy in ensuring sustainable land use and protection of agricultural land.

## MATERIALS AND METHODS

The basis of the methodological approach in this paper is a combination of methods of systematic analysis of key aspects of safe land use applicable to agricultural land, with the method of abstract-logical research of the main aspects of the exercise of the citizens' right to a safe environment upon using agricultural land in Ukraine. This study employed an information and theoretical base, which constitutes an analysis of the main legislative acts governing the order of land use in Ukraine and key aspects of the exercise of the right of Ukrainians to a safe environment upon agricultural land use, as well as containing the results of an analysis of available scientific publications made by a number of Ukrainian and, predominantly, foreign authors, which address the issues of ensuring high-quality legal protection of land use safety regarding the agricultural land use. This study was conducted in three stages.

At the first stage of this study, an information and theoretical base was formed, which served as the basis for subsequent research of the subject matter. To facilitate the perception of the information provided, as well as to ensure the most objective and qualitative picture of the research, all information borrowed from foreign publications and cited in this paper was translated into English. In addition, at the first stage of this study, the authors conducted systematic analytical research of the main aspects of safe land use regarding agricultural land. The study reviewed the current legislation on agricultural land use in Ukraine, defining the procedure for the long-term development of land relations in the country, as well as the possibility of changes and amendments to the current land legislation.

The second stage of this study involved an abstract and logical examination of the main aspects of exercising the citizens' right to a safe environment upon agricultural land use in Ukraine. Furthermore, this stage of the study included an analytical comparison of the results obtained with the results and conclusions of other researchers of numerous issues related to the subject under study to clarify and supplement the available results and

more clearly define the conditions and prospects for the development of land legislation of Ukraine, which directly affect the regulation of land and property relations in the agrarian sphere, are designed to ensure the safety of land use in the country and the qualitative exercise of the right to a safe environment upon agricultural land use in Ukraine. The priority legal aspects of ensuring the environmental safety of agricultural enterprises in Ukraine were identified, which are essential in the context of the exercising the Ukrainians' right to a safe environment upon agricultural land use.

The final stage of this study, based on the results obtained, formulated the final conclusions, which logically reflect on and summarise the results of the entire set of the study performed within the scope of the subject matter.

## RESULTS

According to the current provisions of the Land Code of Ukraine [6], "Agricultural lands are recognised as lands provided for the output of agricultural products, agricultural, research, and educational activities, the placement of appropriate production infrastructure, including the infrastructure of wholesale markets of agricultural products, or intended for these purposes". Thus, the provisions of the legislation in force in the country currently emphasise the output of agricultural products as one of the main purposes of agricultural land. Furthermore, the current legislation ensuring the safety of agricultural activities stipulates the rights of land use of agricultural enterprises, institutions and organisations, personal family-operated and husbandry farms to land. According to the provisions of Article 27 of the Land Code of Ukraine, "Agricultural enterprises, institutions and organisations, personal family-operated and husbandry farms that unite in associations and other legal forms retain the right to their land plots, unless otherwise stipulated by the current agreement".

The interrelation between the state with economic entities in modern market conditions is reflected by the legal and economic mechanisms of state regulation of agricultural activities. At the same time, the nature of such interrelation is different, since it reflects the relationship mediated by commodity-money relations [7]. Considering the current legislative provisions, due to the amendments introduced into the Land Code of Ukraine through the implementation of Draft Law No. 2194, which involves changing not only the Code itself, but also some legislative acts aimed at improving the available management system and governing the existing relations in the land use system, there is a radical change in the available land management system through the transfer of state-owned lands located outside settlements, including lands with agricultural purposes, to municipal ownership of urban, rural, and settlement councils. Therewith, local self-government bodies receive the authority to change the purpose of agricultural land that is privately owned,

as well as to approve detailed plans of the territory outside settlements. In the current situation, the full use of agricultural land in Ukraine is a resource and economic condition for ensuring the national security of Ukraine on the one hand and the security of its citizens on the other hand.

Ensuring and implementing the right to a safe environment upon agricultural land use in Ukraine involves mandatory consideration of the following factors:

- 1) determination of priorities of national policy on agricultural land use;
- 2) introduction of a system of state regulation of relations between owners of agricultural land plots;
- 3) development and consistent implementation of national programmes to optimise agricultural land use;
- 4) mandatory land management of agricultural enterprises, with the designation of the requirements for the safe use of agricultural land;
- 5) development of plans for the consistent development of agricultural enterprises and organisations, in the order of their land management and considering the principle of the suitability of agricultural lands for conducting economic activities on them.

In this context, determining the priorities of national policy on agricultural land use is of priority importance from the standpoint of the need to determine the citizens' rights to agricultural land use. Therewith, issues of state regulation of legal relations between owners of agricultural land plots should include a clear, consistent differentiation of citizens' rights to the safe use of land plots intended for agricultural activities in the context of legislative protection of the rights and freedoms of citizens involved in the process of land management and land cultivation for economic purposes [8].

To date, the main tasks of state regulation of the right of citizens to a safe environment upon agricultural land use in Ukraine are as follows:

- consistent creation of conditions for the qualitative reproduction of agricultural land;
- limiting the impact of external factors, representing various aspects of anthropogenic activity;
- ensuring the continuous and consistent development of national policy in the field of determining the rights and freedoms of citizens in the context of the efficient agricultural land use.

The national policy on determining the rights and freedoms of citizens in the field of efficient and safe use of agricultural land involves the development and adoption of numerous regulations, including those designed to ensure the environmental safety of land use, as an integral component of safe land use in the country. In this context, one of the priorities of national policy in this area is the consistent provision of environmentally friendly food products to citizens, as well as the creation of conditions for ensuring environmental safety at all levels of agricultural production and agricultural activities [9].

In the current economic situation in Ukraine and in the world, one of the key areas of national policy on ecology and environmental protection concerning the agricultural activities is the consistent introduction of effective mechanisms for the arrangement of agricultural land and agricultural activities, subject to full adaptation to the available natural landscapes, as well as the steady development of environmentally friendly technology used in modern agricultural production, conservation, and restoration of natural soil fertility on agricultural lands. Furthermore, the key objectives of the system of state regulation of agricultural land use, from the standpoint of the regulatory provisions of Article 1 of Law of Ukraine No. 1264-XII "On Environmental Protection" [10], it is "...regulation of relations in the field of protection, use, and reproduction of natural resources, ensuring environmental safety, prevention, and elimination of the adverse environmental impact of economic and other activities, conservation of natural resources, the genetic fund of wildlife, landscapes, and other natural complexes, unique territories and natural objects associated with historical and cultural heritage". In this context, the role of the state in ensuring and implementing the right to a safe environment upon agricultural land use in Ukraine is to create and maintain in proper condition a system of measures aimed at preserving both the natural resources themselves, which constitute national property, and which, by definition, include agricultural land, and the creation of conditions necessary for agricultural activities, the maximum efficiency of which can be achieved provided that environmental protection and compliance with all measures of environmental safety of agricultural land use.

To date, Ukraine has developed an integral system of legal regulation of relations between all participants in agricultural production. The provisions of this system include both individual regulations of a departmental nature and state laws, as well as technical regulations for the agricultural land use. In this context, a substantial step towards ensuring and exercising the right of citizens of the country to a safe environment will be the adoption of a draft law aimed at stimulating the production of organic agricultural products. An essential aspect is the formulation of the concept of organic products as such, which is the product of the activities of agricultural production enterprises, the purpose of which is to be consumed by citizens, as well as the use as animal feed and planting material, and the process of putting out products of this kind involved strict compliance with the laws of Ukraine in the field of organic production in strict accordance with existing technological and environmental standards. In this context, the key issues of ensuring and exercising the right of citizens to a safe environment upon agricultural land use in Ukraine should be resolved in compliance with all legal norms of environmental safety of agricultural production and disposal of land resources owned by agricultural enterprises.

## DISCUSSION

High-quality and professional land management should ensure the balanced and consistent development of the economy, as well as the improvement of the general state of the environment based on sustainable, rational, and completely environmentally safe land use. The problem of rational management of land resources and effective use of land, combined with the development of sustainable land use on this qualitative basis for the favourable resolution of food security problems, has its objective solution at various levels of territorial administration, from the national to the local level. The entire system of state land management should be built in such a way as to fully ensure all land and resource aspects of national security, wherein food security, undoubtedly, should be assigned a key role [11].

The current unfavourable environmental situation poses the task of a comprehensive and complete understanding of the experience of the national environmental policy, based on the accumulated experience in the field of safe land use and a clear definition of the main causes of failures in the field of agricultural safety. These problematic issues are of particular relevance in the context of the course adopted to accelerate the economic development of society, which is fully impossible without ensuring and exercising the right to safe use of agricultural land [12; 13].

To date, any definitions of the concept of safe land use have not been objectively covered in the academic literature, as well as in regulatory documents. In general, the exercise of the citizens' right to a safe environment upon agricultural land use involves the creation of a state of general security, ensuring protection from any possible impacts, both internal and external, that may interfere with agricultural activities on the land. Notably, the security of land use of a purely ecological nature in the current understanding of the European Union implies ensuring the protection of both human life and health, as well as the environment, socio-economic, and industrial facilities from the ever-increasing risk of exposure to natural and anthropogenic threats [14].

Regulatory provision of the right to use agricultural land requires many actions from the current government, among which special attention should be paid to the development of comprehensive forecasts of the progressions of dangerous and unfavourable situations, as well as timely planning and implementation of measures to prevent them. In this context, it becomes clear that apart from the development and practical implementation of state mechanisms for the exercise of fundamental human rights and freedoms, a key place should be given to conscious processes of agricultural management, as a counterbalance to the well-developed decision-making process that contributes to the optimal provision of the right to safe conduct of activities in the field of agricultural land use [15].

In the current Land Code of Ukraine, agricultural

lands are defined as being of the greatest importance from the standpoint of preserving the national land resources. This approach is based primarily on considerations of ensuring the national food security and ensuring a high-quality supply of agricultural products to citizens. Problematic issues of increasing the efficiency of agricultural land use are gaining a high degree of relevance in the context of protecting the human right to life and the right to conduct professional activities. The guarantee of effective solution of such problematic issues is the creation of stable internal output of agricultural products and the development of necessary reserves and stock. In general, the problem of qualitative improvement of the efficiency of practical use of agricultural land is fully resolved in the light of the exercise of the human right to life and the protection of their key vital interests and priorities, as well as the right to a safe natural environment and the safe use of natural resources [16]. The land itself is of key importance, since it acts as the main means of production.

The main essence of the state mechanism of legal and organisational regulation of the main problematic issues of the use of agricultural land is the organisational, as well as mainly administrative regulation of key processes of agricultural production, the activities of business entities, the essential markets that exist today, of which the land market should be prioritised. It is the land market that performs the function of a direct acting mechanism, and the main aspects of its functioning are based on the legislative system adopted in a particular state. The authority of public authorities is of key importance in the context of the coherence of the legal mechanism of state regulation of issues related to ensuring the safe disposal of agricultural land [17]. The role of the state apparatus in extreme conditions increases dramatically, while in conditions of full-fledged market functioning it performs the function of governing numerous monopolisation processes, practical use and protection of land resources, especially land intended for agricultural activities, ensuring socio-economic rights and needs of all categories of citizens, as well as upon regulating the activities of enterprises belonging to the public sector of the economy.

To date, the available mechanism of state regulation of agricultural enterprises by purely economic methods includes an integral system of methods of exerting direct influence on the economy of business entities, which ensure the practical implementation of their complex of economic interests, direct benefits from entrepreneurial activity, as well as freedom of economic choice and manoeuvre, initiative and independence, the development of appropriate conditions for a full-fledged, civilised competition. Using economic mechanisms fully in its own interests, the present-day state attracts business entities to implement its decisions based on their direct interest [18].

A number of modern researchers under the state regulation of the safety of the use of agricultural land understand the purely organisational activity of the competent state authorities to ensure the rational use of agricultural land and ensure their protection. Therewith,

rational land use, implemented based on scientifically sound methods of effective exploitation of land resources and their conservation, is a qualitative basis for the implementation of national programmes of efficient agriculture, factoring in the rights and freedoms of citizens who cultivate this land. In modern economic literature, the essence of the concept of rational use of land resources is frequently defined as achieving maximum efficiency in the consistent implementation of key goals and objectives of land use, considering the interaction of agricultural land with other natural factors, and while ensuring high-quality protection of land upon its use for practical purposes – as a mandatory condition for conducting any activity and the main means of production in agriculture [19; 20].

A consistent transition to a market economy takes place against the background of a sharp strengthening of economic mechanisms for governing the existing social relations, which also affects the use of natural resources and their protection. Therewith, even during such a transition, there is no question of replacing or eliminating the legal mechanism in the field of the use and protection of agricultural land resources. On the contrary, in this area, unlike many others, the legal mechanism for protecting and ensuring the rational use of land resources has never lost its importance. In general, to assess the effectiveness of the methods of state regulation of agricultural activities used, it is necessary to limit the list of measures aimed at setting benchmarks for the effectiveness of such activities, as well as to ensure that the procedure for monitoring the achievement of the goals set in this context is maintained [21]. The study of problematic issues of ensuring and exercising the rights to a safe environment in the use of agricultural land gives grounds to consider state regulation of the safe use of agricultural land resources as a very complex and multifaceted process that includes auxiliary aspects and mechanisms that allow increasing the efficiency of the legal policy of the state amidst a wide range of tasks for the qualitative acceleration of the economic development of the state and society, which should be promptly resolved in the near future.

In modern conditions, compliance with the safety requirements of agricultural production is an essential condition for preserving soil fertility and ensuring the preservation of high-quality standards of agricultural products consumed by all segments of the population of any state. Concern for the preservation of life and health of citizens is currently one of the priority tasks of economic development of any country, which is of key importance for exercising the citizens' right to a safe environment upon the use of agricultural land. The implementation of this right requires the introduction into practice of a perfect legal mechanism that could consolidate the accepted sequence of compliance with environmental standards, directly from the manufacture of agricultural products to its processing and receipt of agricultural raw materials and food products [22]. Therewith, the main principles of ensuring the safety of agricultural production, which is essential from the standpoint of

exercising the right of citizens to a safe environment upon agricultural land use, are mandatory compliance with all environmental safety requirements at all stages of agricultural production.

Today, despite all the efforts of the state to ensure compliance with all the requirements of environmental and legal safety of agricultural activity by citizens, the production technologies used in this area, as well as, consequently, the quality of agricultural raw materials and finished products are at risk. Measures to remedy the current situation should be developed at the state level, involving specialists for joint activities, both in the field of agriculture and in the development and adoption of regulations that expressly govern such activities [23].

Ensuring and exercising the right to a safe environment upon the use of agricultural land in a modern, economically developed state, implies mandatory complex interaction of both the state and legislative authorities on the one hand, and the entire system of agricultural production on the other hand. Therewith, sustainable agriculture primarily implies the sustainability of conducting all types of agricultural activities directly on the land, permitted by the provisions of the current legislation of the country [24]. From a practical standpoint, this does not at all mean the chance of resisting all possible impacts on this sphere, both internal and external, including natural phenomena that adversely affect agricultural activity on land, as well as negative phenomena of a purely economic nature. Nevertheless, the consistent evolution of agricultural land use with the preservation of the main types of agricultural activities permitted by law, as well as favourable environmental conditions, necessarily implies the introduction of principles of state management of this process, with mandatory compliance with regulations governing the conduct of such activity. It is the role of the state that is of key importance in ensuring and implementing the right to a safe environment upon using agricultural land, regardless of the type of state system and the degree of its direct involvement in all stages of the agricultural production.

## CONCLUSIONS

The conducted study of the prospects of ensuring and implementing the right to a safe environment upon agricultural land use in Ukraine led to the following conclusions: Ensuring and exercising the right of citizens of Ukraine to a safe environment upon using agricultural land can be achieved exclusively through the consistent introduction into the practice of land use of regulations governing the system of relations between landowners in the country and enterprises, as well as private entities that solve practical issues of the use of agricultural land. Therewith, the introduction of cardinal changes to the normative acts of the current legislation does not always ensure the achievement of the proper level of exercising the rights of citizens to ensure the safe use of agricultural land and really protects their legitimate rights to use agricultural land for their intended purpose.

To date, the issues of ensuring and implementing the right to a safe environment upon the agricultural land use in Ukraine have not been fully clearly settled, despite the existence of an integral system of legal regulation of relations between all participants in agricultural production that has developed in the state. In the current situation, the exercise of the right of citizens to the safe use of agricultural land can be achieved through strict adherence by all participants in the agricultural land use, to all adopted legislative norms on the use of agricultural land and regulations in the field of environmental conservation, ecology of agricultural activities.

Environmental aspects of ensuring the right of citizens of the country to a safe environment upon the use of agricultural land are determined by the current regulations, namely the Law of Ukraine No. 1264-XII "On Environmental Protection". All enterprises and individuals operating in agricultural land use are required to comply with the provisions of this regulation regarding the key issues of land use and environmental conservation upon the use of agricultural land in Ukraine.

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## **Використання сільськогосподарських земель в Україні: забезпечення та реалізація права на безпечне довкілля**

**Дмитро Валерійович Санніков, Віталій Іванович Ковтун, Марина Сергіївна Ковтун,  
Тамара Олексіївна Терехова, Карина Олександрівна Оганова**

Національний юридичний університет імені Ярослава Мудрого  
61024, вул. Пушкінська, 77, м. Харків, Україна

**Анотація.** Безпечне землекористування сільськогосподарських територій передбачає обов'язкове збереження земельних ресурсів держави, які є її найважливішими стратегічними ресурсами. Актуальність цього дослідження обумовлена великою кількістю нерозв'язаних проблем безпечного землекористування в Україні безпосередньо в аграрному секторі економіки країни, не в останню чергу через складнощі реалізації права громадян на безпечне використання земель сільськогосподарського призначення. Основною метою цієї статті є теоретичне дослідження можливостей забезпечення права на безпечне навколишнє середовище при використанні земель сільськогосподарського призначення в Україні з оцінкою реальних можливостей його практичної реалізації в сучасних економічних умовах. Основою методичного підходу у цій роботі є поєднання методів системного аналізу ключових аспектів безпечного землекористування, що стосуються земель сільськогосподарського призначення, з методом абстрактно-логічного дослідження основних аспектів реалізації права громадян на безпечне середовище при використанні сільськогосподарських земель в Україні. Основними результатами, отриманими в даній роботі, варто вважати визначення основних пріоритетних напрямів розвитку наявної в Україні законодавчої системи в контексті забезпечення безпеки ведення сільсько-господарської діяльності та оцінку ролі держави у питаннях забезпечення належного рівня екологічної безпеки використання земель сільськогосподарського призначення з точки зору перспектив збереження наявних на сьогодні сільськогосподарських угідь у країні. Отримані в даному дослідженні результати, а також сформульовані на їх основі висновки мають суттєве практичне значення для сільськогосподарських працівників, стурбованих належним вирішенням проблемних питань щодо забезпечення та практичної реалізації свого законного права на безпечне навколишнє середовище при використанні земель, що належать до аграрного сектору економіки держави

**Ключові слова:** безпечне землекористування, сільськогосподарські угіддя в Україні, сільськогосподарські угіддя, земельні ресурси, родючість ґрунтів, безпечне середовище