

UDC 342.9

DOI <https://doi.org/10.32849/2663-5313/2024.4.01>**Vitalii Lutsenko,***Applicant Scientific Institute of Public Law, 2a H. Kirpa Street, Kyiv, Ukraine, 03035, vitaliilutsenko@ukr.net*ORCID: orcid.org/0000-0002-3769-2679

THE CONCEPT OF STATE REGIONAL POLICY IN THE FIELD OF LAND RELATIONS

Abstract. Purpose. The purpose of the article is to define the concept of state regional policy in the field of land relations. **Results.** Based on the analysis of scholars' scientific views, it is argued that the sphere of land relations is extremely important for the state and society, as it concerns the use and preservation of national wealth and one of the most valuable resources – land, which is the main object of these legal relations. Scientific approaches to the interpretation of the category “state policy” are examined, which made it possible to formulate the author's definition of state regional policy in the field of land relations. It is emphasized that every state strives to preserve land and ensure its rational and efficient use. Obviously, Ukraine also pays particular attention to land issues, which constitutes a separate direction of state policy. It is established that state policy is one of the key forms of activity of public authorities; it arises as a response to social problems, needs and demands, and reflects the attitude of the ruling elite toward the realities and challenges of societal development, as well as its understanding of the range, content and depth of problems, and the ways and means of addressing them. **Conclusions.** It is concluded that state regional policy in the field of land relations may be defined as a set of measures (political-legal, organizational-administrative, law-enforcement, etc.) implemented by central and local public authorities and aimed at ensuring appropriate conditions for the formation, functioning, development and termination of these social relations at the level of individual regions. This policy is oriented, on the one hand, toward the effective implementation of the general principles of the central state policy in the field of land relations in specific regions, taking into account their natural-geographical, ecological, economic, demographic, cultural and other characteristics; and on the other hand, toward obtaining feedback from local authorities regarding the current state of this sphere, its urgent problems, needs and demands, as well as proposals for resolving relevant issues.

Key words: land, land relations, policies, state policy, regional policy.

1. Introduction

Land is an extremely important and valuable resource that has special social and economic significance for society, which is confirmed, in particular, by Article 14 of the Constitution of Ukraine, where land is defined as the nation's principal wealth under the special protection of the state (Constitution of Ukraine, 1996). The term “land” can be considered in various aspects – as one of the planets of the solar system, the globe, a component of the cosmic system, an object of natural origin, dry land, soil, etc. (Shulha, 2023). In any case, land is an object of close attention from the state and society, as well as from the international community as a whole. As noted by M.V. Shulha, land as a planet or the globe is an object of legal regulation in international law. Land may also be regarded as the environment in which humans and society live, which encompasses the terrestrial and air layers of the Earth, its subsoil, surface and landscape, flora and fauna. In this sense, land is an object of legal regulation in natural resource and environmental law (Shulha, 2023).

Given the above, it is evident that every state seeks to preserve land, ensuring its

rational and efficient use. Naturally, Ukraine also pays special attention to land issues, which is reflected in a separate area of state policy. Issues related to the formation and implementation of state policy in various spheres of public life have repeatedly attracted the attention of scholars. In particular, these matters have been examined by O.I. Baik, U.P. Bobko, T.M. Brus, K.O. Vashchenko, O.L. Valevskyi, Yu.V. Kovbasiuk, O.P. Demianchuk, M.S. Dolynska, A.O. Dutko, O.V. Lavruk, N.M. Pavliuk, V.Ye. Romanov, I.V. Rozputenko, O.M. Rudik, O.V. Riabichko, Yu.P. Surmin, V.V. Tertychka and many others. Nevertheless, despite a considerable theoretical foundation, the issue of state regional policy in the field of land relations remains insufficiently explored in academic literature.

Therefore, the purpose of the article is to define the concept of state regional policy in the field of land relations.

2. Principles for Forming the Concept of “State Policy”

At the outset of this academic inquiry, it is important to note that the scholarly literature

contains a considerable number of approaches to defining the concept of state policy. Thus, O.P. Demianchuk emphasizes that state policy represents a program of actions aimed at solving a specific problem or a set of problems and achieving defined goals; a system of actions, regulatory measures, laws and financial priorities in a particular area, proclaimed by a public authority or its representatives (Demianchuk, 2000).

I.V. Rozputenko defines state policy as the actions of the system of state authorities carried out in accordance with established goals, directions and principles for solving a set of interrelated problems in a specific sphere of public activity. According to I.V. Rozputenko and O.V. Riabichko, state policy is a proposed course of governmental action intended to meet needs or seize opportunities and formulated with reference to expected outcomes and their impact on the current state of affairs, as well as the concrete resolution of problems (Surmin, Bakumenko, Mykhnenko, 2010).

O.V. Lavruk, having analyzed numerous scholarly positions on the interpretation of the concept of state policy, concludes that the formation of state policy by public authorities constitutes a continuous cyclical process that includes a set of sequential actions, the interaction of various interconnected elements and institutions with their inherent functions and means of achieving final results (policy approval) (Lavruk, 2018). According to the scholar, politics is a special sphere of societal functioning, forming the basis for the exercise of state power and governance through the adoption and implementation of state-political decisions. Politics serves as a universal mechanism regulating human relationships associated with the exercise of state authority. Within the political sphere, processes also operate to ensure the formation of public authorities, the implementation of public administration, and the adoption and realization of the incremental model of public-administrative decision-making (Lavruk, 2018). Consequently, O.V. Lavruk summarizes that state policy is one of the essential components of societal functioning, since its measures aim to improve citizens' living standards and guarantee the social stability of the state and its regions. State policy, the researcher rightly observes, must possess a comprehensive character in terms of its functional orientation toward addressing interconnected political and socio-economic problems, responding promptly to transformational changes occurring within the state and society, and consistently remaining effective (optimal distribution of governmental powers among state bodies and organizations, structured quality of pub-

lic-administrative decisions, goal-oriented tasks and measures), result-oriented and accepted by the population (Lavruk, 2018).

V.V. Tertychka maintains that the most optimal characteristic of state policy is the following: a relatively stable, organized and purposeful activity/inaction of state institutions, undertaken either directly or indirectly with regard to a particular problem or a set of problems affecting societal life (Tertychka, 2002). Justifying his position, the scholar lists several characteristic features of state policy, namely:

- state policy is not accidental or chaotic behavior of policy actors but a purposeful action/inaction designed to achieve specific goals (even though the declared goals are not always attained);
- policy encompasses not isolated abstract decisions but purposeful directions or patterns of action/inaction by state institutions and includes both policy development and its implementation;
- not all policy is implemented through state structures, as private organizations or individuals are often involved;
- state policy constitutes a response to societal demands or to the demands for action/inaction from policymakers, legislators, bureaucrats, interest groups, citizens, etc.;
- policy is the activity/passivity of state institutions rather than their plans (mere declarations);
- state policy may be positive when certain problems are resolved, or negative if through action/inaction the goals are not achieved or the opposite effect is produced;
- state policy is based on law and must therefore be legitimate;
- state policy rests on the state's monopoly on lawful coercion or force, meaning that state bodies use a range of instruments to achieve policy goals;
- it is important to distinguish between simple decisions and policy. Daily governmental decisions, driven both by policy and circumstances, may stimulate certain policy actions, but they do not constitute policy per se (Tertychka, 2002).

From the above, it becomes evident that state policy is one of the key forms of activity of public authorities, arising as a reaction to societal problems, needs and demands. It expresses the attitude of the ruling elite toward the realities and challenges of societal development and reflects its understanding of the range, content and depth of problems, as well as the means and methods for their resolution.

3. Features of Social Relations in the Sphere of Land Relations

Practically every sphere of social relations is, to one extent or another, subject to

the influence of the relevant public policy. A separate component of such policy is the sphere of land relations. Land relations are defined as social relations concerning the possession, use, and disposal of land (Land Code of Ukraine, 2001). Researchers note that land relations constitute social relations between subjects whose mutual rights and obligations regarding land are regulated by the norms of land law. According to M.V. Shulha, these relations have a volitional character, since before being formed they pass through human consciousness; the will of their participants is reproduced within legal relations (Shulha, 2023).

Social relations may arise between participants in connection with the implementation of legal imperatives and provisions regarding the use of land as an object of ownership of the Ukrainian people and as a component of national wealth under the special protection of the state. They also emerge in the context of exercising subjective land rights, reforming land relations, the rational use, restoration, and protection of land, the activities of state authorities and local self-government bodies in regulating land relations, and the protection of land rights, among other aspects (Shulha, 2023).

Thus, the sphere of land relations is extremely important for the state and society, as it concerns the use and preservation of national wealth and one of the most valuable resources – land, which is the primary object of these legal relations. The current Land Code of Ukraine does not provide a definition of “land”; instead, it merely states that the objects of land relations include land within the territory of Ukraine, land plots, and rights to them, including land shares (pai) (Land Code of Ukraine, 2001).

However, the Law of Ukraine *On Land Protection* contains the following definition of the term “land”: the surface of the dry land with soil, minerals, and other natural elements that are organically integrated and function together with it (Law of Ukraine *On Land Protection*, 2003). A.M. Miroshnychenko notes that such an approach to interpreting land is somewhat narrow; however, this is precisely how the legislator understands land when referring to it as an object of land legal relations. According to the scholar, land is the most important part of the natural environment, characterized by space, relief, soil cover, subsoil, and waters; it is the principal means of production in agriculture and a spatial basis for the location of various branches of the national economy. The regulatory significance of such definitions is limited, yet they illustrate, at least to some extent, the meaning in which the term “land” is understood in land legislation (Miroshnychenko, 2011).

Without delving into the diversity of doctrinal approaches to defining land as an object of land relations, it may be concluded that its value and significance stem primarily from the fact that it constitutes the spatial basis of both the state as a whole and various forms of human settlement, and that it plays an enormous role – both spatial and resource-related – in the national economy. In this regard, M.V. Shulha rightly observes that land becomes an object of land relations in connection with the use of its beneficial properties, the appropriation of its products, and its use as a spatial basis (Shulha, 2023).

The exceptional importance of land as a means of production and a source of income, combined with the objective spatial limitations and exhaustibility of this resource, makes it an attractive and desirable object of ownership, possession, and use.

T.H. Tytarenko, analyzing the concept and substantive content of state policy on the regulation of land relations in Ukraine, notes that land policy can be characterized as the activities of state authorities in the field of land relations, aimed at the rational use and protection of land, ensuring the country's food security, and creating environmentally safe conditions for economic activity and human habitation. State policy in the field of land relations, Tytarenko argues, represents a multidimensional system of economic, organizational, and legal measures aimed at the development, improvement, or fundamental transformation of land relations in a direction prioritized by the state, implemented by public authorities to rationalize the use and protection of land, ensure food security, and create environmentally safe conditions for economic activity and living (Tytarenko, 2015). Accordingly, the objective of state policy on land relations is the achievement of rational land use and land protection, food security, and environmentally safe conditions for economic activity and habitation (Tytarenko, 2015).

The implementation of state policy in the sphere of land relations occurs at the national and regional levels. The Law of Ukraine *On the Principles of State Regional Policy* of 05 February 2015 No. 156-VIII defines state regional policy as a system of goals, measures, instruments, and coordinated actions of central and local executive authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies and their officials, aimed at ensuring a high quality of life throughout the entire territory of Ukraine, taking into account the natural, historical, ecological, economic, geographical, demographic and other features of regions, as well as their

ethnic and cultural identity (Law of Ukraine *On the Principles of State Regional Policy*, 2015).

A.V. Kinshchak argues that state regional policy is a set of organizational, legal, and economic measures implemented by the state in the sphere of regional development, taking into account the current socio-economic condition of regions and strategic goals. These measures are aimed at stimulating the effective development of the region's productive forces, the rational use of its resource potential, the creation of appropriate living conditions, the provision of environmental safety, and the improvement of the territorial organization of society. State regional policy, he emphasizes, constitutes an integral part of the national strategy for the economic and social development of Ukraine (Kinshchak, 2014).

According to O.P. Chelak, state regional policy is an essential component of the overall state policy. Its main task is to ensure the development of the country's territory in accordance with the adopted state strategy. Given that every region in the country is unique due to the structural heterogeneity of space – in natural-geographical, resource, economic, social, ethnic, and political aspects – any activity must be carried out with due regard to the spectrum of interests and specific characteristics of each region, as well as the priority problems present therein (Chelak, 2015).

4. Conclusions

Given the above considerations regarding the understanding of public policy in general and state land and regional policy in particular, state regional policy in the sphere of land relations may be defined as a set of measures (politico-legal, organizational-administrative, law-enforcement, etc.) implemented by central and local public authorities, aimed at ensuring appropriate conditions for the formation, functioning, development, and termination of these social relations at the level of individual regions. This policy is oriented, on the one hand, toward the effective implementation of the general principles of central state policy in the sphere of land relations within individual regions, taking into account their natural-geographical, ecological, economic, demographic, cultural, and other specific characteristics; and on the other hand, toward obtaining feedback from local authorities regarding the actual state of this sphere, its urgent problems, needs, demands, and proposals for addressing relevant regulatory challenges.

References

- Chelak, O. P. (2015). *Rehionalna polityka yak skladova derzhavnoi polityky suchasnykh krain* [Regional policy as a component of state policy of modern countries]. *Aktualni problemy polityky*, (56), 211–219. (in Ukrainian).
- Demianchuk, O. P. (2000). “Derzhavna polityka” ta “publichna polityka”: variant perekhidnoho periodu [“State policy” and “public policy”: A variant of the transitional period]. *Naukovi zapysky*, 18, 31–36. (in Ukrainian).
- Kinshchak, A. V. (2014). *Derzhavna rehionalna polityka v Ukraini: terminolohichna nevyznachenist* [State regional policy in Ukraine: Terminological uncertainty]. *Derzhavne upravlinnia: udoskonalennia ta rozvytok*, (6), 1–4. (in Ukrainian).
- Konstytutsiia Ukrainy vid 28.06.1996 [Constitution of Ukraine of 28.06.1996]. (1996). Retrieved from zakon.rada.gov.ua/laws/show/254k/96-bp (in Ukrainian).
- Lavruk, O. V. (2018). *Sutnist poniattia derzhavnoi polityky* [The essence of the concept of state policy]. *Universytetski naukovi zapysky*, (3–4), 254–263. (in Ukrainian).
- Miroshnychenko, A. M. (2011). *Zemelne pravo Ukrainy: pidruchnyk* [Land law of Ukraine: Textbook]. Kyiv: Alerta; TsUL. (in Ukrainian).
- Shulha, M. V. (2023). *Zemelne pravo: pidruchnyk* [Land law: Textbook]. Kharkiv: Yurait. (in Ukrainian).
- Surmin, Yu. P., Bakumenko, V. D., & Mykhnenko, A. M. (2010). *Entsyklopedychnyi slovnyk z derzhavnoho upravlinnia* [Encyclopedic dictionary of public administration]. Kyiv: NADU. (in Ukrainian).
- Tertychka, V. (2002). *Derzhavna polityka: analiz ta zdiisnennia v Ukraini* [State policy: Analysis and implementation in Ukraine]. Kyiv: Osnovy. (in Ukrainian).
- Tytarenko, T. H. (2015). Poniattia ta sutnist i zmist derzhavnoi polityky rehuliuвання zemelnykh vidnosyn v Ukraini [The concept, essence, and content of state policy on land relations regulation in Ukraine]. *Derzhavne upravlinnia: udoskonalennia ta rozvytok*, (8), 1–3. (in Ukrainian).
- Zakon Ukrainy “Pro okhoronu zemel”: vid 19.06.2003 № 962-IV [Law of Ukraine “On Land Protection”: dated 19.06.2003 No. 962-IV]. (2003). Retrieved from zakon.rada.gov.ua/laws/show/962-15 (in Ukrainian).
- Zakon Ukrainy “Pro zasady derzhavnoi rehionalnoi polityky”: vid 05.02.2015 № 156-VIII [Law of Ukraine “On the Principles of State Regional Policy”: dated 05.02.2015 No. 156-VIII]. (2015). Retrieved from zakon.rada.gov.ua/laws/show/156-19 (in Ukrainian).
- Zemelnyi kodeks Ukrainy: vid 25.10.2001 № 2768-III [Land Code of Ukraine: dated 25.10.2001 No. 2768-III]. (2001). Retrieved from zakon.rada.gov.ua/laws/show/2768-14 (in Ukrainian).

Віталій ЛУЦЕНКО

здобувач Науково-дослідного інституту публічного права, вул. Г. Кірпи, 2 а, Київ, Україна, 03055,
vitaliilutsenko@ukr.net

ORCID: orcid.org/0000-0002-3769-2679

ПОНЯТТЯ ДЕРЖАВНОЇ РЕГІОНАЛЬНОЇ ПОЛІТИКИ У СФЕРІ ЗЕМЕЛЬНИХ ВІДНОСИН

Анотація. Мета статті полягає у визначенні поняття державної регіональної політики у сфері земельних відносин. **Результати.** У статті, спираючись на аналіз наукових поглядів вчених, аргументовано, що сфера земельних відносин є вкрай важливою для держави і суспільства, оскільки стосується використання та збереження національного багатства та одного із найціннішого ресурсу – землі, яка власне і є основним об'єктом цих правовідносин. Розкрито наукові підходи щодо тлумачення категорії «державна політика», що дало можливість сформулювати авторське визначення поняття державної регіональної політики у сфері земельних відносин. Наголошено, що кожна держава, прагне до збереження землі, забезпечення її раціонального та ефективного використання. Зрозуміло, що Україна також приділяє особливу увагу земельним питанням, на що спрямований окремий напрямок державної політики. З'ясовано, що державна політика є однією із ключових форм діяльності суб'єктів публічної влади, яка виникає як реакція на суспільні проблеми, потреби та запити і виражає ставлення правлячої еліти до реалій і викликів суспільного розвитку, характеризує розуміння нею кола, змісту та глибини проблем, шляхів і засобів їх розв'язання.

Висновки. Зроблено висновок, що державну регіональну політику у сфері земельних відносин можна визначити як комплекс заходів (політико-правових, організаційно-управлінських, правоохоронних тощо), що здійснюються органами центральної та місцевої публічної влади, спрямованих на забезпечення належних умов для формування, протікання, розвитку та припинення зазначених суспільних відносин на рівні окремих регіонів і орієнтованих: з одного боку на ефективне впровадження загальних засад центральної державної політики у сфері земельних відносин у окремих регіонах з урахуванням їх природно-географічних, екологічних, економічних, демографічних, культурних та інших особливостей, а з іншого – на отримання зворотної реакції (відповіді) від місцевої влади щодо наявного стану зазначеної сфери, нагальних у ній проблем, потреб і запитів, а також пропозицій стосовно врегулювання відповідних проблемних питань.

Ключові слова: земля, земельні правовідносини, політики, державна політика, регіональна політика.