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## SPECIFICS OF STATE-LEGAL REGULATION OF AGRICULTURAL SUPPORT IN UKRAINE: A THEORETICAL AND LEGAL FRAMEWORK

**Abstract. Purpose.** The purpose of the article is to conduct a comprehensive theoretical and legal analysis of the specifics of state-legal regulation of agricultural support in Ukraine. **Results.** The study reveals the essence and main forms of state-legal regulation of Ukraine's agrarian sector and outlines their normative, organizational, economic, and supervisory foundations. Considerable attention is devoted to the classification of methods and forms of state support, the analysis of their effectiveness, and the problems of terminological inconsistency in special agrarian legislation. The paper summarizes scholarly approaches to interpreting the mechanism of state support and to systematizing the instruments influencing agrarian legal relations. It is established that the system of state regulation and support of Ukraine's agrarian sector is based on a combination of administrative-legal and economic-legal instruments, yet remains conceptually and normatively fragmented. Divergent interpretations of key concepts, the absence of coherent classifications of forms and mechanisms of support, as well as the sectoral dispersion of regulatory acts, significantly reduce the effectiveness of agrarian policy. The study demonstrates the need to update the legislative framework, unify definitions, and construct a coherent system of forms and methods of state support aligned with the economic nature of agrarian legal relations. Overall, state regulation of the agrarian sphere has the potential to serve as a strategic tool for market stabilization, production development, and strengthening the competitiveness of agricultural producers. **Conclusions.** It is concluded that Ukraine has introduced complex mechanisms of state regulation of agrarian markets aimed at stabilizing prices and supporting producers. Legislation provides for the use of commodity and financial interventions, administrative price regulation, and systems of subsidies and collateral (pledge) purchases. These instruments are intended to ensure market equilibrium, prevent speculative price fluctuations, and support producers under crisis conditions. State intervention is complemented by tariff regulation for transportation and storage, which helps prevent hidden costs and abuses on the market. Overall, the system of state support and regulation is aimed at stabilizing the agrarian sector, stimulating production, and protecting the interests of both producers and consumers.

**Key words:** state, administrative procedure, agriculture, agricultural sector, state support, livestock production, water use, administrative-legal regulation.

### 1. Introduction

Agriculture is one of the key sectors of Ukraine's national economy, shaping food security, constituting a significant share of exports, and determining the socio-economic development of the state. Given the dynamic transformations within the agrarian sector, the issue of effective state influence on agrarian legal relations acquires strategic importance. State-legal regulation ensures the stability of agrarian markets, rational use of resources, and the ability of producers to adapt to economic and global challenges.

The relevance of the topic is also determined by the significant fragmentation and inconsistency of the current legislation regulating forms and mechanisms of state support for agriculture. The absence of a unified conceptual and categor-

ical apparatus, duplication of norms, and divergent approaches to defining direct and indirect support mechanisms diminish the effectiveness of law enforcement. In addition, the large volume of sector-specific regulatory acts creates legal uncertainty and complicates access for agricultural entities to state support instruments.

Ukraine's strategic course toward European integration further necessitates the modernization of national agri-protection policy and the harmonization of support mechanisms with EU principles and standards. Under conditions of increasing competitive pressure and global market fluctuations, effective state regulation of the agrarian sector becomes a crucial factor for stability and innovative development. Therefore, a comprehensive admin-

istrative-legal study of the forms, methods, and mechanisms of state support is both timely and of significant theoretical and practical value.

The purpose of the article is to provide a comprehensive theoretical and legal analysis of the specifics of state-legal regulation of agricultural support in Ukraine.

## 2. The Role of Agriculture in the Ukrainian Economy

Mazurenko V.H. emphasizes that agriculture is one of the key sectors of the Ukrainian economy. For Ukraine, the agrarian sphere holds a leading position, as the country is among the major agricultural producers in Europe in terms of output volumes, and domestic agricultural products are exported worldwide (Mazurenko, 2023).

State-legal regulation of agricultural activities is traditionally regarded as a distinct institution of agrarian law. State-legal regulation in the agrarian sphere should be understood as a set of economic and legal measures aimed at ensuring governmental influence on agrarian legal relations. The foundation of state regulation consists of the development of normative legal acts, the formation and organization of work of state bodies in the agricultural sector, and the definition of their powers.

State regulation of socio-economic development, including in the agrarian sphere, is carried out through the preparation and approval of nationwide programs of economic, scientific and technological, and social development, as well as environmental protection programs. It provides for the predominant use of economic and incentive-based methods.

Vinichenko I.I. notes that agriculture belongs to the most priority sectors, as it directly affects public welfare and global food security. In 2021, the sector demonstrated significant growth of 14.4%, and agricultural enterprises showed an increase of 19.2% (Vinichenko, Didur, Dobrodzii, 2024).

Forms of state-legal regulation represent the external expression of the activities of competent state authorities aimed at organizing agrarian relations and ensuring the maximum efficiency of agricultural production. The following forms are distinguished: law-making, law enforcement, law-protection, and organizational.

The **law-making form** manifests itself in the adoption by authorized bodies of legislative and executive normative legal acts regulating the agrarian sector. The Constitution of Ukraine defines the powers of the Verkhovna Rada, which holds the exclusive right to adopt laws, including those concerning the agro-industrial complex, and to approve nationwide

development and environmental protection programs (Art. 85). It also establishes the powers of the President and the Cabinet of Ministers.

The **law-enforcement form** of state regulation consists in adopting individual acts addressed to specific subjects. Such documents include resolutions of the Cabinet of Ministers, orders, regulations, and instructions of ministries aimed at implementing agrarian reforms, developing markets, privatizing land and property, ensuring product quality, and promoting rational resource use. This form serves to detail the rights and obligations of participants in agrarian legal relations.

The **law-protection form** is aimed at protecting the rights of agrarian business entities and state interests, exercising supervision, restoring violated rights, and preventing offenses. Civil, administrative, and criminal legal instruments are applied for these purposes. Sectoral authorities, supervisory bodies, and law enforcement agencies play an important role.

The **organizational form** of regulation is aimed at ensuring the effectiveness of the agrarian sector and related areas. It includes the interpretation of legislation, preparation of instructional materials, identification of directions of agrarian reform, and provision of food and raw materials. After the reorganization of the Ministry of Agrarian Policy, these functions were transferred to the Ministry of Economy of Ukraine. All forms of state regulation are interdependent, and only their combined application can ensure the effective development of the agrarian sector.

Salamin O.S. emphasizes that issues of state regulation of the agrarian sector in Ukraine have always remained relevant, since throughout the years of reforms numerous regulatory acts have been applied without clearly defined strategic guidelines (Salamin, 2021).

Methods of state regulation of agriculture are independent ways of influence systematically applied in regulatory activities. They constantly evolve and depend on the nature of relations and the powers of the regulatory authority. A distinction is made between **administrative-legal (direct)** and **economic-legal (indirect)** methods. The former include imperative instructions, supervision, prohibitions, and other forms of influence applied in key spheres of agricultural production and determining the obligatory conduct of subjects (for example, prohibition of improper land use, taxation obligations, quality control of products, licensing of certain activities), as well as permissive and advisory instruments.

Under modern conditions, **economic-legal methods** become priority instruments, as

the state, through economic tools (preferential taxation, crediting, subsidies, advance financing, procurement prices, etc.), stimulates subjects toward specific activities without applying coercion. These methods are the most effective, as they contribute to the formation of a favorable economic environment and to the development of agricultural production.

### 3. Regulatory and Legal Framework for Agriculture in Ukraine

The Law of Ukraine of 24 June 2004 “*On the Principles of State Agrarian Policy and State Policy of Rural Development*” introduced new economic and legal instruments for regulating the agrarian sector, such as minimum and maximum intervention prices, agrarian interventions (commodity and financial), temporary administrative price regulation, pledge grain procurement, credit subsidies, budgetary livestock subsidies, and others (Korniienko, Korniienko, Kulchii, 2021).

Malik M. emphasizes that in global practice family farming is the dominant type of agrarian enterprise, providing up to 80% of food products (Malik, Shpykuliak, Bezhenar, Tarasiuk, Lupenko, 2024). Analysis of scientific literature devoted to the legal support of state aid for the agrarian sector demonstrates a wide range of scholarly approaches to defining and classifying the forms, directions, instruments, types, and mechanisms of such support. Moreover, researchers often use these categories interchangeably, indicating a significant deficit of theoretical and conceptual development in this field.

One of the most common approaches is the classification of state support by its forms. Frequently, two forms of state support for the agrarian sector are distinguished: **direct** and **indirect**. Direct budgetary support typically includes: subsidies for agricultural production and material-technical supply; subsidization of short- and long-term loans for agro-industrial enterprises; financial compensation for part of crop insurance costs; subsidization of capital expenditures, etc.

According to Mushenok V.V., direct support refers to the use by the state of such instruments of financial and legal regulation as budgetary financing, including budgetary compensations, subsidies, support for special funds, and credit subsidies (Mushenok, 2014). Direct support is usually understood as the direct subsidization of agricultural producers. Accordingly, direct measures of income support include compensatory payments; reimbursement of losses caused by natural disasters; payments related to changes in production structure, reduction of sown areas, forced slaughter of livestock, and similar situations.

Scientific interpretations of indirect support also cover a broad spectrum of measures, but different authors present them differently. In simplified form, indirect support includes scientific services for the agrarian sector, preferential lending, and establishing restrictive prices for agricultural products. Mushenok V.V. expands this list by adding special tax regimes, mechanisms of state insurance, lending, price regulation, and others (Mushenok, 2014). Within the framework of indirect support, additional measures include procurement of products for state needs, market regulation, restructuring of tax debts, provision of state guarantees, and permissions to derogate from antimonopoly rules. Conversely, Sus L.V. interprets indirect support very narrowly, treating it only as funds that could be paid into the state budget but from which the state voluntarily refrains for the benefit of producers through various privileges (Sus, 2014).

Some scholars, using the same classification, apply different terminology. Kozhukh M.S., for instance, defines direct means of support as those that involve the immediate provision of budgetary funds to agricultural producers or exemption from ordinary production or marketing expenses. Such measures include budgetary subsidies, exemption from import duties, and partial reimbursement of expenses related or unrelated to production (Kozhukh, 2015).

In addition to traditional direct and indirect forms of state support, a third type—**mediated support**—is sometimes mentioned. Conditionally direct (mediated) support refers to the strengthening of production potential and market positions through measures such as debt restructuring, support for extra-budgetary funds, financing agrarian science, and implementation of state programs and national projects. However, despite the logic of a three-level model, clear criteria for differentiation are lacking, and excessively heterogeneous measures are grouped under mediated support, making the classification conceptually inconsistent.

Thus, the presented approaches show that scholars often arbitrarily determine the content of forms of state support for agriculture. Based on identical legal norms, they reach different conclusions. Analysis of the Law of Ukraine “*On the Principles of State Agrarian Policy and State Rural Development Policy*” allows for identifying two forms of support: **direct** and **indirect**. Direct support refers to immediate assistance to producers—budgetary transfers, subsidies, preferential energy prices, state investments, etc.

At the same time, Chabanenko M.M., relying on the same law, distinguishes the following forms of support: a) **price support** (state interventions, administrative price regulation,

temporary budgetary subsidies); b) **support for livestock producers** (targeted livestock subsidies); c) **other types of support** (state grain procurement, financial assistance to the agro-industrial complex, market deregulation, per-hectare subsidies, partial compensation for the use of high-reproduction seed, soil fertility programs, pest control measures, support for production in radiation-contaminated areas, etc.) (Chabanenko, 2015). However, this classification lacks a common criterion, which makes it scientifically incorrect. Since it is based on an imperfect legislative framework, this additionally justifies the need to update special agro-protection legislation.

Havryk O.Yu. stresses that under the conditions of transformation of Ukraine's agrarian sector, the importance of an effective management system for agricultural producers increases, as it must ensure optimal use of material, labor, and financial resources (Havryk, 2022). Special attention is drawn to the issue of methods of providing state support for agriculture. A support method must answer the question of how exactly such assistance is implemented. Generally, methods of providing state support for the agrarian sphere are divided into two types:

1. regulatory,
2. deregulatory.

The first consists in applying positive legal measures. The most effective manifestation of the regulatory method is **legal incentivization**. General theoretical analysis allows distinguishing two concepts of legal incentivization. Representatives of the narrow concept argue that legal incentivization has exclusively positive effects for the subject, is implemented through incentive measures, and represents a form of reward for socially valuable behavior.

Legal incentivization as an instrument of state support for the agrarian sector must create legal conditions under which agricultural entities voluntarily engage in activities beneficial to society and the state. The most common directions of incentivization include: greening of production; introduction of agro-innovations; expansion of agricultural production; stimulation of specific types of activities; implementation of socially oriented projects; and development of agrarian infrastructure.

From another perspective, methods of state support are divided into **contractual** and **non-contractual**, depending on the form of implementation. The contract serves as a key instrument for organizing economic relations in the provision of agrarian support. A significant share of agro-protection relations assumes contractual forms.

Contractual methods have important advantages. First, when properly regulated, they impose less burden on the state budget

than non-contractual mechanisms and are less dependent on the financial capacity of the state. Second, contractual forms integrate harmoniously into the market economy system, ensuring that support corresponds to its economic nature. Third, contractual support fosters institutionalization and the formation of specialized organizations (Agrarian Fund, Ukragroleasing, Spetsagroleasing, Ukrderzhfond, etc.), which enhance its efficiency and accessibility.

Non-contractual methods also have considerable advantages. They provide direct financial relief to agricultural producers through direct payments or the state's refusal to claim revenues. At the same time, under domestic conditions such mechanisms exhibit persistent weaknesses:

1. bureaucratic procedures;
2. dependence on budgetary financing, leading to instability;
3. frequent changes in implementation procedures due to departmental regulation.

Accordingly, the instruments of state support form the following system:

1. **Financial instruments** – those expressed in monetary form and provided through budgetary payments or through reducing the expenses of economic entities. These include: a) allocation of budgetary funds (subsidies, compensations, grants, subventions, investment financing); b) the state's refusal to collect revenues (preferential taxation, exemption from customs duties, preferential lending, insurance and leasing under preferential conditions).

2. **Non-financial instruments** – those provided without direct financing of producers. These include state guarantees, public procurement, organizational intermediation, and similar measures. In this case, budgetary funds may be allocated for the implementation of activities, but not directly to producers. This classification differs from the traditional division into budgetary and extra-budgetary support.

State legal regulation of the agrarian sector constitutes a distinct institute of agrarian law. It represents a system of economic and legal measures through which the state influences agrarian relations (Bakai, 2022).

Another important concept is the **mechanism of state support for the agrarian sector**. Given the substantial economic component of agro-protection relations, this concept is widely used in scholarly research. Analysis of the literature makes it possible to distinguish two approaches to its interpretation:

1. **The narrow approach**, under which the mechanism of state support is equated with the instruments of its implementation;
2. **The broad approach**, according to which the mechanism is understood as the entire system of state support established in legislation.

The first approach is associated with interpreting the mechanism as a *legal mechanism*. In legal scholarship, a legal mechanism is understood as a systemic complex of legal means that are sequentially organized to achieve a specific legal objective in accordance with an established procedure. The second approach is based on equating the mechanism of state support with the mechanism of legal regulation. This category has a different substantive nature and remains the subject of scientific debate.

The variety of legal mechanisms of state support and the substantial differences between them underline the need for their scholarly systematization and classification for a comprehensive study. Numerous criteria for such classification exist, yet the choice of the optimal criterion determines the structure and logic of the entire analysis. For example, the literature proposes a division of state support into four groups:

1. **General state support** – measures directed at all sectors of Ukraine's economy without distinguishing agrarian producers;
2. **General sectoral support** – support for the agro-industrial complex of Ukraine as an economic sector;
3. **Socio-territorial support** – support for the agrarian sector in the context of supporting rural areas, infrastructure, and rural settlements;
4. **Subject-oriented support** – situational assistance to particular groups, types, or individual agrarian enterprises.

However, such a classification requires further refinement. Therefore, it is proposed to expand it by classifying state support depending on the range of relations to which it is directed:

1. **General sectoral support** – covers the widest possible circle of recipients, independent of type of activity, scale of production, or organizational-legal form. It is primarily implemented through tax, credit, insurance, and material-technical mechanisms;
2. **Special sectoral support** – aimed at specific branches of agriculture: crop production, livestock production, and aquaculture;
3. **Special subject-oriented support** – directed at particular organizational-legal forms, such as support for family farms or cooperatives;
4. **Special infrastructural support** – focused on the development of infrastructure, including processing, marketing, and information-consulting services;
5. **Special priority support** – aimed at stimulating key priorities of agrarian policy, such as greening, innovation, development of breeding and genetic improvement. This type of support goes beyond sectoral or subject-based differentiation and is aimed at encouraging activi-

ties of significant public interest (Hryhorieva, 2019).

#### 4. Conclusions

The conducted analysis demonstrates that the system of state regulation and support of Ukraine's agrarian sector is based on a combination of administrative-legal and economic-legal instruments; however, it remains conceptually and normatively fragmented. Divergent interpretations of key concepts, the absence of harmonized classifications of forms and mechanisms of support, as well as the departmental dispersion of regulatory acts significantly diminish the effectiveness of agrarian policy. The study confirms the need to update the legislative framework, unify definitions, and construct a coherent system of forms and instruments of state support aligned with the economic nature of agrarian legal relations. Overall, state regulation of the agrarian sphere has the potential to serve as a strategic instrument for market stabilization, production development, and strengthening the competitiveness of agricultural producers.

Thus, Ukraine has introduced comprehensive mechanisms of state regulation of agrarian markets aimed at price stabilization and producer support. Legislation provides for the application of commodity and financial interventions, an administrative price-regulation regime, as well as systems of subsidies and loan-secured procurement. These instruments are intended to ensure market balance, prevent speculative price fluctuations, and support producers under crisis conditions. State intervention is complemented by the regulation of tariffs for transportation and storage, which helps prevent hidden costs and market abuses. Overall, the system of state support and regulation is aimed at stabilizing the agrarian sector, stimulating production, and protecting the interests of both producers and consumers.

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## ОСОБЛИВОСТІ ДЕРЖАВНО-ПРАВОВОГО РЕГУЛЮВАННЯ ПІДТРИМКИ СІЛЬСЬКОГО ГОСПОДАРСТВА УКРАЇНИ: ТЕОРЕТИКО-ПРАВОВА КОНСТРУКЦІЯ

**Анотація.** *Метою статті* є здійснення комплексного теоретико-правового аналізу особливостей державно-правового регулювання підтримки сільського господарства України. **Результати.** У дослідженні розкрито сутність та основні форми державно-правового регулювання аграрного сектору України, охарактеризовано їх нормативні, організаційні, економічні та контрольні засади. Значну увагу приділено класифікації методів і способів державної підтримки, аналізу їх ефективності та проблем термінологічної невизначеності у спеціальному аграрному законодавстві. Узагальнено підходи науковців до тлумачення механізму державної підтримки та до систематизації засобів впливу на аграрні правовідносини. Визначено, що система державного регулювання та підтримки аграрного сектору України ґрунтується на поєднанні адміністративно-правових та економіко-правових інструментів, проте залишається концептуально та нормативно фрагментованою. Різномудування ключових понять, відсутність узгоджених класифікацій форм і механізмів підтримки, а також відомча розпорошеність нормативних актів істотно знижують ефективність аграрної політики. Дослідження доводить необхідність оновлення законодавчої бази, уніфікації дефініцій та побудови логічної системи форм і способів державної підтримки, узгодженої з економічною природою аграрних правовідносин. У цілому державне регулювання аграрної сфери має потенціал бути стратегічним інструментом стабілізації ринку, розвитку виробництва та підвищення конкурентоспроможності аграріїв. **Висновки.** Зроблено висновок, що в Україні запроваджено комплексні механізми державного регулювання аграрних ринків, спрямовані на стабілізацію цін та підтримку виробників. Законодавство передбачає застосування товарних і фінансових інтервенцій, режим адміністративного регулювання цін, а також системи дотацій і заставних закупівель. Такі інструменти покликані забезпечити рівновагу на ринку, попередити спекулятивні коливання цін та підтримати виробників у кризових умовах. Державне втручання доповнюється регуляцією тарифів на транспортування та зберігання, що дозволяє уникнути прихованих витрат і зловживань на ринку. Загалом система державної підтримки та регулювання спрямована на стабілізацію аграрного сектору, стимулювання виробництва та захист інтересів як виробників, так і споживачів.

**Ключові слова:** держава, адміністративна процедура, господарство, сільське господарство, державна підтримка, тваринництво, сільське господарство, водокористування, адміністративно-правове регулювання.