

**ADMINISTRATIVE RESPONSIBILITY IN THE SPHERE OF LAND RELATIONS:
LEGAL ASPECTS AND PRACTICE OF APPLICATION****АДМІНІСТРАТИВНА ВІДПОВІДАЛЬНІСТЬ У СФЕРІ ЗЕМЕЛЬНИХ ВІДНОСИН:
ПРАВОВІ АСПЕКТИ ТА ПРАКТИКА ЗАСТОСУВАННЯ**

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The article comprehensively examines both theoretical and practical aspects of administrative liability in the field of land relations, which is a truly important legal instrument for ensuring the rational use and protection of land as an object of property rights of the Ukrainian people and a special natural resource. The place of administrative liability in the system of legal liability measures is determined, and its educational and punitive significance in the field of land offenses is also emphasized.

The regulatory and legal framework regulating administrative liability in this area is considered, in particular the provisions of the Code of Ukraine on Administrative Offenses, the Land Code of Ukraine, the laws of Ukraine "On Environmental Protection", "On State Control over the Use and Protection of Lands" and other acts. The most common types of administrative offenses are identified, namely: unauthorized occupation of a land plot, damage and pollution of land, use of land not for its intended purpose, violation of the rules of crop rotation, reclamation, and protection of agricultural lands. Attention is drawn to the problems of qualification of offenses and the peculiarities of the subject composition of administrative liability in the land sector.

Special emphasis is placed on the analysis of the practice of applying administrative sanctions by authorized bodies such as the State Service for Geodesy and Cartography, local governments, the Environmental Inspectorate, and the courts. Based on the generalization of court decisions, trends in law enforcement, difficulties in proving the fact of violation and fixing damage, as well as cases of cancellation of resolutions due to procedural errors or improper registration of case materials were identified.

This work emphasizes that the effectiveness of administrative liability in the field of land relations largely depends on improving the law enforcement mechanism, increasing the level of legal culture of the population and transparency of the activities of regulatory bodies. The need to reform the sanctions system, introduce more flexible and more effective measures of influence is substantiated, this will ensure a balance between the interests of the state, society and landowners. As a result, some directions for further improvement of legal regulation are proposed, in particular: strengthening administrative liability for gross and systematic violations, clarifying control procedures, introducing modern methods of monitoring the condition of lands and electronic recording of violations.

Key words: administrative liability, land legal relations, violations, land legislation, sanctions, judicial practice, law enforcement.

У статті комплексно досліджуються як і теоретичні, так і практичні аспекти адміністративної відповідальності у сфері земельних відносин, яка виступає дійсно важливим правовим інструментом забезпечення раціонального використання й охорони земель як об'єкта права власності українського народу й особливого природного ресурсу. Визначено місце адміністративної відповідальності у системі заходів юридичної відповідальності, а також наголошено на її виховному та каральному значенні щодо сфери земельних правопорушень.

Розглянуто нормативно-правову базу, яка регламентує адміністративну відповідальність у цій сфері, зокрема положення Кодексу України про адміністративні правопорушення, Земельного кодексу України, законів України «Про охорону навколишнього природного середовища», «Про державний контроль за використанням та охороною земель» та інших актів. Виокремлено найпоширеніші складі адміністративних правопорушень, а саме: самовільне зайняття земельної ділянки, псування та забруднення земель, використання земель не за цільовим призначенням, порушення правил сівозміни, рекультивації, охорони земель сільськогосподарського призначення. Звернено увагу на проблеми кваліфікації правопорушень і особливості суб'єктного складу адміністративної відповідальності у земельній сфері.

Особливий акцент зроблено саме на аналізі практики застосування адміністративних санкцій уповноваженими органами такими, як Державна служба з питань геодезії та картографії, органи місцевого самоврядування, екологічна інспекція, а також суди. На основі узагальнення судових рішень виявлено тенденції щодо правозастосування, труднощів у доведенні факту порушення та фіксації шкоди, також випадки скасування постанов через процесуальні помилки чи неналежне оформлення матеріалів справи.

У роботі підкреслено те, що ефективність адміністративної відповідальності у сфері земельних відносин значною мірою залежить від удосконалення механізму правозастосування, підвищення рівня правової культури населення та прозорості діяльності контролюючих органів. Обґрунтовано необхідність реформування системи санкцій, впровадження більш гнучких та більш дієвих заходів впливу, це дозволить забезпечити баланс між інтересами держави, суспільства й землевласників. У підсумку запропоновано деякі напрями подальшого вдосконалення правового регулювання, зокрема: посилення адміністративної відповідальності за грубі та систематичні порушення, уточнення процедур контролю, запровадження сучасних методів моніторингу стану земель і електронної фіксації правопорушень.

Ключові слова: адміністративна відповідальність, земельні правовідносини, правопорушення, земельне законодавство, санкції, судова практика, правозастосування.

Problem Statement. Despite the fact that Ukraine has a fairly broad regulatory framework regulating the issue of administrative liability in the field of land relations, unfortunately, its practical implementation faces a number of serious problems. First of all, it is worth noting the inconsistency of legal regulation. Many provisions of the legislation duplicate each other, are of an evaluative nature or leave room for different interpretations, and this creates difficulties in law enforcement practice. For example, the composition of administrative offenses often lacks clear criteria that would allow for a clear distinction between offenses and disciplinary or criminal offenses. This leads to discrepancies in judicial practice and unequal application of administrative sanctions.

The use of outdated control methods and the lack of a unified electronic land monitoring system significantly complicates proving the facts of the offense, especially in cases of unauthorized occupation of land plots, soil damage, as well as hidden land pollution, which often leads to the cancellation of decisions by the courts due to lack of proof of the offender's guilt.

An equally significant issue is the limited effectiveness of administrative sanctions. The fines provided for by the Code of Ukraine on Administrative Offenses for land offenses (Articles 53–56) [1], in many cases, do not correspond to the level of public danger of such acts and do not fully fulfill the punitive function. For large agricultural enterprises and commercial structures, the amount of the fine is insignificant compared to the benefits from the illegal use of land, which can create a situation where the offense becomes economically more profitable than compliance with the norms of land legislation.

In addition, the low level of legal culture and awareness of the population in land law issues is a problem. Many citizens, especially in rural areas, are not aware of the legal consequences of using land plots for purposes other than their intended purpose, unauthorized development and (or) changing boundaries. As a result, this contributes to the spread of domestic land violations and increases the burden on administrative jurisdiction bodies.

All of the above problems reduce the effectiveness of administrative liability as a tool for legal protection of land. In modern conditions, when land is not only an object of property rights, but also a strategic resource of the state, such a situation creates a real threat to both environmental safety and economic stability. The lack of an effective mechanism to prevent land law violations contributes to the spread of the practice of unauthorized land occupation, soil degradation, illegal construction and other illegal use of our lands.

Thus, it turns out that the main problem lies in the discrepancy between the declared tasks of administrative responsibility in the field of land relations and the real practice of its application, which necessitates the improvement of the legislative and practical component of the mechanism for enforcing administrative liability, strengthening control, increasing the level of legal culture of citizens, and creating modern tools for monitoring the condition of lands.

Research objective – research of the institution of administrative liability in the field of land relations taking into account modern legal realities and practical needs. The work aims to carry out a comprehensive analysis of the current legislation regulating administrative liability for land offenses, to trace the evolution of legal approaches to the protection of land as an object of property of the Ukrainian people and a special natural resource.

Particular attention is paid to identifying shortcomings and gaps in legal regulation and the practical application of administrative sanctions, analyzing the role of state control bodies and the judiciary in ensuring compliance with the requirements of land legislation. The goal is not only to fix existing problems, but also to determine trends in the development of law enforcement practice, the correlation of administrative liability with other types of legal liability in the field of land relations, the formulation of scientifically based pro-

posals for improving legal regulation, strengthening the effectiveness of administrative measures of influence, increasing the preventive and educational role of administrative liability.

Analysis of Research and Publications. Analysis of the state of research on administrative liability in the field of land relations indicates a significant number of scientific works that highlight individual aspects of this issue. In particular, the works of such specialists as V. I. Andreytsev, A. P. Getman, I. I. Karakash, N. R. Malysheva, O. O. Pogribnyi, V. K. Shkarupa and others consider the issue of legal regulation of land protection, mechanisms of administrative liability for violations of land legislation, the interaction of land and environmental law, as well as the specifics of management in the field of environmental management. Despite this, the main attention of most studies is focused mainly on theoretical and industry aspects, while practical problems of law enforcement remain insufficiently covered.

Main Provisions. Land is one of the most important national assets of Ukraine, which is enshrined in Articles 13 and 14 of the Constitution of Ukraine [2], which emphasizes that land is under special protection of the state and is the object of property rights of the Ukrainian people. It serves as a basis for economic development, ensuring food security, maintaining ecological balance and creating conditions for the life and health of the population. However, despite constitutional guarantees and a developed regulatory framework, land relations remain one of the most problematic areas of legal regulation. Cases of unauthorized occupation of land plots, use of land not only for its intended purpose, destruction of boundary signs, violation of the rules for the protection of soil fertility, land pollution with production waste and military actions are widespread.

The issue of compliance with land legislation became particularly relevant after the start of the full-scale aggression of the Russian Federation against Ukraine in 2022. The war not only caused large-scale destruction of infrastructure and contamination of territories, but also created new threats to effective land management. Mining of significant areas of agricultural land, illegal seizure of land by occupation administrations, uncontrolled use of land plots in front-line regions – all this requires the state to strengthen administrative and legal response mechanisms.

In this context, administrative liability plays a very important role as a tool for preventing and punishing violations in the field of land relations. It is designed not only to ensure proper order in land use, but also to contribute to the protection of natural resources, the protection of citizens' environmental rights, and the restoration of lands after war.

Legal regulation of administrative responsibility in the field of land relations is based on a system of regulatory legal acts of various levels. The main principles are enshrined in the Constitution of Ukraine, which stipulates that land is the property of the people, and state authorities and local self-government bodies are obliged to act in the interests of society (Articles 13, 14) [2].

The key act in the land sector is the Land Code of Ukraine, which in Article 211 establishes that persons guilty of violating land legislation shall bear disciplinary, civil, administrative and/or criminal liability. In particular, the Code defines types of land offenses, such as unauthorized occupation of land plots, damage to agricultural lands, and failure to comply with reclamation requirements [3].

Of course, the Code of Ukraine on Administrative Offenses is of great importance, which provides for a special section dedicated to offenses in the land sector [1]. Thus, Articles 52–56, 53-1 regulate liability for damage to agricultural and other lands, use of lands for purposes other than their intended purpose, destruction of boundary signs, and unauthorized occupation of land plots. Sanctions in the form of fines are established for both citizens and officials.

A special role in the protection of citizens' rights is played by the Code of Administrative Procedure of Ukraine, which

regulates the procedure for contesting administrative decisions, actions or inaction of public authorities, including the imposition of administrative penalties in the land sector (for example, Article 267) [4]. This ensures the implementation of the principle of the rule of law and judicial control.

In addition, there are still special laws that directly regulate land use control, namely: the Law of Ukraine “On State Control over Land Use and Protection” [5]; the Law of Ukraine “On Environmental Protection” [6]; the Law of Ukraine “On National Geospatial Data Infrastructure” [7], which ensures the digitalization of land monitoring.

Decrees of the President of Ukraine also play a significant role in the development of legal regulation. Among them, it is worth noting the following: Decree “On Agrochemical Certification of Lands” [8]; Decree “On the State of Ensuring Food Security” [9]; Decree “On Urgent Measures to Accelerate Reform of the Agrarian Sector of the Economy” [10].

In addition, the resolutions of the Cabinet of Ministers of Ukraine detail the mechanisms for implementing administrative responsibility. For example, Resolution No. 848 of 23.07.2024 “On Approval of the Procedure for Monitoring Land and Soils” established modern control methods [11].

Despite the existence of a broad regulatory framework, the practice of applying administrative liability in land relations, unfortunately, has a number of problems. One of the key ones is the inconsistency of sanctions with the scale of the damage caused. For example, the fines provided for by the Code of Ukraine on Administrative Offenses in many cases do not exceed several thousand hryvnias, which is a negligible cost for large agricultural holdings or construction companies. This greatly reduces the preventive effect of administrative legislation and actually stimulates the recurrence of offenses, because paying a fine becomes a kind of “risk payment” for business entities.

Another major problem is the insufficient specification of the elements of administrative offenses. The wording of many articles is too general, which allows offenders to avoid liability by exploiting gaps in the legislation. Judicial practice shows that in many instances cases are closed due to the lack of clearly established criteria for harm or an unclear definition of the objective side of the offense. This creates an additional burden on the judicial system and reduces citizens' trust in the mechanisms of legal protection.

No less important is the issue of material and technical support for control bodies. The State Environmental Inspectorate and the State Geocadastré often do not have enough modern means of recording violations: drones, geographic information systems, monitoring software. This significantly complicates the collection of evidence and leads to the cancellation of decisions by the courts. In the context of digitalization and the development of geographic information technologies, the lack of an integrated electronic database on land violations is particularly noticeable, which makes it impossible to properly analyze and predict trends in the field of land protection.

In addition, the low level of legal culture of both the population and the officials themselves remain a problem. Many land users are not aware of the legal consequences of their actions, which contributes to mass minor violations. On the other hand, employees of regulatory bodies do not always have a sufficient level of professional training to properly qualify violations and correctly draw up procedural documents.

The situation is also complicated by external factors, in particular the war, which has led to significant damage to land, its contamination with explosives and chemicals. In these conditions, control bodies face additional difficulties in monitoring, since access to many territories is limited due to mining or active hostilities. This greatly reduces the effectiveness of state policy in the field of land protection and requires urgent improvement of legal mechanisms of responsibility. In this context, the Decree of the President of Ukraine of Octo-

ber 15, 2020 “On Some Measures to Accelerate Reforms in the Field of Land Relations” [12] is also important, because it provides for increased control over land use and their proper management.

An additional factor is the rather low level of legal culture of the population. Many citizens are not aware of the consequences of unauthorized seizure of land plots or removal of garbage to agricultural lands. In most cases, such actions are perceived as minor violations that do not entail serious liability, although in fact they lead to land degradation, a significant decrease in their fertility and the creation of a threat to environmental safety. Limited awareness of the norms of land legislation, the absence of structured educational initiatives by state bodies and local governments exacerbate this problem. As a result, the population often acts according to the principle “what is not prohibited is permitted”, ignoring the obligations established by the Constitution of Ukraine and the Land Code of Ukraine.

In the context of the war with Russia, new problems have emerged: mass land mining, destruction of ecological infrastructure, soil contamination with explosives. These circumstances require the creation of special legal mechanisms for liability and significant compensation for damage.

Ways to improve administrative responsibility in the field of land relations in Ukraine require a comprehensive approach that combines legislative changes, digitalization, training of regulatory bodies and active participation of the public. To increase the effectiveness of administrative responsibility, the sanctions established by the Code of Ukraine on Administrative Offenses should be reviewed first. Their size should be significantly increased, taking into account inflation, economic damage and the scale of the violation. It is especially important to introduce differentiated fines depending on the area of the land plot, the type of violation and the consequences of its implementation. For example, damage caused by a large agricultural holding should be punished much more severely than a violation by a citizen within a small land plot. In addition, it is advisable to provide for the possibility of temporary restrictions on the use of land plots as a preventive measure to prevent further violations. In this context, it is worth considering the provisions of the Decree of the President of Ukraine “On Some Measures to Accelerate Reforms in the Field of Land Relations”, which sets out the tasks of strengthening control, improving monitoring and creating conditions for effective management of land resources [12].

Of particular importance is the improvement of procedures for recording offenses, because as I.I. Karakash emphasizes, the types of land offenses include, among others, “unauthorized occupation of land plots, damage ... to other lands, their contamination ... failure to provide correct registration information, failure to fulfill obligations to bring lands into a condition suitable for use for their intended purpose,” and the introduction of a single electronic system of protocols, integrated with the State Land Cadastre, the Register of Property Rights in Immovable Property and other state registers, will ensure transparency and control [13, p. 416]. Such a system should include the possibility of automatic reporting of violations, photographing and geotagging the place of the offense, as well as connecting satellite monitoring and unmanned aerial vehicles to track the illegal use of land resources.

No less important is the improvement of the qualifications of control bodies officials and their provision with more modern technical means. Special training programs for employees of the State Land Cadastre, local governments and environmental inspectorates should include knowledge of the latest methods of land resource control, geoinformation technologies, legal documentation and rules of interaction with the public. Modern technical means, such as drones, satellite images, integrated land resource accounting systems, significantly increase the efficiency of detecting and documenting violations. Kovalenko T.O. notes that one of the functions of state

regulation of land relations in Ukraine is state land monitoring. This is a comprehensive system of observation, analysis, collection, storage, generalization and publication of information on the state of lands and soils, changes in indicators of the qualitative state of soils and their fertility, on the ownership, use and disposal of land plots, in particular on the price (value) of land plots, property rights to them and the amount of land payment, which is carried out with the aim of timely detection of changes in the state of lands and soils, their assessment, prevention and elimination of the consequences of negative processes, as well as ensuring transparency of land relations and guaranteeing public access to information on the state of these relations. The information collected and analyzed based on the results of the specified monitoring will become the basis for making decisions on the specifics of conservation or reclamation of such lands depending on the type of contamination and approval of the National Program for the Restoration of Lands and Soils of Ukraine in the Post-War Period [14 p. 356].

Active public involvement through electronic democracy mechanisms is another direction for improving administrative accountability. It is important to create sufficiently convenient mobile applications and online platforms that allow citizens to quickly report land violations, provide photo evidence and coordinates of the location of the violation. Such systems not only increase control, but also form a responsible attitude towards land resources among the population.

In conditions of martial law, the matter of land rehabilitation after hostilities becomes particularly urgent. It is necessary to create separate effective legal mechanisms of administrative liability for improper reclamation, demining or violation of requirements for land protection after their use for military purposes. It is important to introduce mechanisms to encourage bona fide land owners and users to participate in restoration programs, including preferential tax incentives and grants for reclamation and restoration of soil fertility.

In addition, it is advisable to develop an effective system of preventive measures, including regular information campaigns for the population and legal entities, educational programs in schools and universities on the proper use of land, as well as providing consultations on the legal norms of land legislation. It is also important to improve interdepartmental interaction: environmental control bodies, law enforcement agencies, the State Land Cadastre and local governments should work in a single information field, which will allow them to quickly respond to violations and try to prevent them.

Another promising path is the harmonization of Ukrainian legislation with international standards, in particular in the field of land protection and sustainable use of natural resources. The introduction of international practices of monitoring and auditing land resources, the use of modern methods of tracking pollution and soil degradation, as well as the active participation of public and international organizations in land use control can increase the effectiveness of administrative responsibility.

Thus, the comprehensive improvement of administrative responsibility in the field of land relations includes both legislative changes and increased sanctions, as well as digitalization of control procedures, technical support, advanced training of regulatory bodies, active involvement of the public and the creation of special mechanisms in the current war conditions. The implementation of these measures will allow not only to effectively respond to violations, but also significantly increase the preventive function of administrative law, which will significantly contribute to the sustainable development of land resources of Ukraine and the protection of the rights of citizens and the state.

Conclusions. Administrative responsibility in the field of land relations is a key element of the legal mechanism for the protection and rational use of land resources in Ukraine.

The effectiveness of this system directly depends on the quality of the legislative framework, the level of law enforcement and the effectiveness of the control bodies. The constitutional provisions of Ukraine, in particular Articles 13 and 14 [2], enshrine the right of the people to land and define it as the main national wealth, which is under special protection of the state. The norms of the Land Code, the Code of Ukraine on Administrative Offenses and the Code of Administrative Procedure create the necessary legal prerequisites for the protection of the rights of citizens and the state, also regulating the procedure for imposing administrative sanctions and the possibility for challenging the decisions of control bodies.

At the same time, practice shows that the existing system of administrative liability requires significant improvement. The insufficient amount of fines, the inconsistency of sanctions with the scale of damage, the inaccuracy of the wording of offenses, the low legal culture of citizens and the limited technical resources of control bodies greatly reduce the effectiveness of the mechanism. These problems are exacerbated in conditions of martial law and large-scale damage to land caused by military aggression, which emphasizes the need to create special legal mechanisms for the restoration and reclamation of damaged land.

To increase the effectiveness of administrative responsibility, a comprehensive implementation of reforms is required, which include increasing and differentiating the size of fines, specifying the composition of administrative offenses, digitalizing the processes of recording violations and integrating these data with state cadastres. No less important is the improvement of the qualifications of officials of control bodies and providing them with more modern technical means, including drones, satellite monitoring and geographic information systems. Active involvement of the public through electronic platforms and mobile applications contributes to transparency and increasing the legal awareness of the population, and the development of special mechanisms in wartime ensures the protection and restoration of land resources after hostilities.

Another important aspect of improving administrative accountability is the harmonization of Ukrainian legislation with international standards in the field of land management and sustainable development. The use of advanced control and audit practices, the introduction of innovative monitoring methods and land restoration will contribute to effective environmental protection and ensure the strategic goals of sustainable development of Ukraine.

Therefore, administrative responsibility in the field of land relations should be transformed from a formal sanction into an effective legal instrument that allows not only to respond to violations, but also to prevent them. Its improvement will contribute to raising the level of legal culture of the population, ensuring transparency of control and stability of land relations, which in the context of modern challenges, including military and environmental threats, is a very urgent and strategically important task for the state. An important step in this direction should be the modernization of the legislative framework, which would take into account modern trends in land use, as well as the digitalization of control and monitoring processes. The introduction of electronic cadastral systems, the use of satellite technologies and open registers will make control more effective and accessible to the public.

In addition, strengthening the interaction between state bodies, local governments and civil society will ensure a comprehensive approach to the protection of land resources. In the future, administrative responsibility should combine punitive and preventive aspects, forming an understanding in society that land is not only an economic resource, but also a national wealth and a strategic foundation for the development of Ukraine.

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