Right Ownership as the Particularization of Territorial Formations in the Conditions of Decentralization Reform of Ukraine

Pavlo Ivanyuta[1], Evgen Kartashov[2], Nadiia Datsii[3], Maksym Kovalskyi[4], George Abuselidze[5(✉)], and Olena Aleinikova[6]

[1] Vinnitsya Cooperative Institute, Akademiker Yangel, 59, Vinnytsia 21009, Ukraine
[2] University of Educational Management, Sichovykh Striltsiv, 52A, Kyiv, Ukraine
[3] Polissia National University, Staryi Boulevard, 7, Zhytomyr 10008, Ukraine
[4] Central-Western Interregional Department of the Ministry of Justice, Volodymyrska vul. 91, Khmelnytskyi 29000, Ukraine
[5] Batumi Shota Rustaveli State University, Ninoshvili, 35, Batumi, Georgia
george.abuselidze@gmail.com
[6] Masaryk University (MUNI), Žerotínovo nám. 617/9, 601 77 Brno, Czech Republic

Abstract. On the modern stage the economic relationships in Ukraine, which constant by years, the characterized it stage of development of the state regulation, organically connect with right ownership into economics object, and beforehand, land. Here determined of through property relationships is legal regulation the state into transfer, accepted, appropriation by different of physical and juridical persons depend from fields of their activity. And existing innovation of this research to lie down in that, what objects of the right ownership, as forms of legal regulation of public relationships, clearly interconnected by territory borders, especially at the time reforming of local self-government and territorial organization of authority in Ukraine. And by this example is creation and open of transparent land market. The purpose of the article is to study the stages of development of state regulation of relations to ensure, provide and protect property rights by their types and forms, depending on the characteristics of territorial entities of Ukraine, which, of course, contain objects of different possessions. The article used methods of comparison and description, the method of decomposition, methods of observation and grouping. It should be concluded that the right of ownership in Ukraine is particularly subject to regulation by public authorities and local governments and is evidenced by the legal fact that establishes common relations in society and has a relationship with the territorial location of objects according to their purpose or benefits. And providing large sections of the population with property rights to objects such as property and land resources is directly related to the processes of zoning the territory of Ukraine.

Keywords: Territory · Territorial formations · Right ownership · Property · Thing · Land

© The Author(s), under exclusive license to Springer Nature Switzerland AG 2022
O. Gervasi et al. (Eds.): ICCSA 2022, LNCS 13376, pp. 126–143, 2022.
https://doi.org/10.1007/978-3-031-10450-3_10

1 Introduction

Today, in the each district of Ukraine arise transformation of relationship system as well as general-national and local levels – this objective process, substantiated by necessity of decision sharp oppositions between achieving levels of development production volumes and system of society relations, that base objects and forms property. By basis decision of indicated oppositions is creation of legal conditions for existing of different ownerships forms that further to substantiated and formed of market aspects the economy.

By problem regard ownership, that already more years remain in Ukraine the non-decisional, are expansion of swindle and strippable off pertain ownership from parties firms, physicals persons and exclusion of the state from proper and from real guarantee of subjective properties rights. This are concerning availability and compliance existed norm-legal basis into Ukraine, and documental acceptation of the state regulation of public relationships regard transfer and granted as well as thing and non-thing property.

All this explain that territory of Ukraine by zoning is important nature-resources, labor, social, production, and also economic potential, that allow of farm entities to implemented its indirectly activity, to acquire and to get goods, guaranteed to conduct production process, has subject exchange, accumulation and, by individual condition, renewal. And process of state management, being from achievement independence of Ukraine, render until systemized crisis, led to worsening of economic situation in state, in result why happened inadequate and despondent attitude to most territorial formations, and characterized by the neglecting condition until properties, industrial, and also of agricultural complexes, cooperatives and other farm. In order to improvement this condition in field the state, and namely – by territorial management, should be implemented out of regulatory measures, that pertained to mutually-relationship in society and farm entities. Hereby is the ownership – as a basis for formation and stabilization of economic territorial systems.

Here necessary to noted and advantageous geographies condition of the territory of Ukraine on the earthly continent, which to characterize exit to sea relatively to transit movements in the direction of transport corridors Europe and Asia, that is, has the most branched infrastructure for all transportation [1, 2]. Hereby also substantiated a ownership, that concern out of all existing objects and complex, which are in territorial formations of the state, because in those condition they is ability to reproduction and receiving matter goods, being in economic and society relations.

Reliable providing of right ownership is task of each democratic state. In relation with this extraordinary interest casual the problems of warranting of right ownership of physical and juridical persons.

On modern stage of development World community observed considerable increase circle of right ownership: along with matter objects to appear out considerable quantity of non-things (bodiless) objects, which considered how rights that is value and monetary evaluation, but «ideally» property objects of a non-exist character.

The theoretical foundations of federalism, sovereignty of the federation and its constituent parts was considered and were studied by N. Koval, I. Sudak, Y. Bilyak, Y. Nehoda, A. Marchuk [3–5]. Researchers J. Holm-Hansen, S. Kropp, M. Marilyn, D. Sanders, C. Luck focused on the latest approaches to the problems of federalism [6–10]. The problems of Ukrainian decentralization were studied by N. Davydenko, A. Buriak,

I. Demyanenko, M. Buryak, I. Britchenko, M. Bezpartochnyi, M. Natalia, Z. Siryk, N. Popadynets, M. Pityulych, O. Chakii, I. Irtyshcheva, O. Panukhnyk, N. Lysyak. S. Kvitka, Y. Borodin, V. Yemelyanov, M. Moskalets, V. Zubchenko. A significant contribution to the study of federalism was also made by domestic researchers: A. Fenna, J. Erk, W. Swenden, etc. [11–15].

In modern scientific researches the situation of transformation economics of Ukraine – being from achievement independence in 1991, organically to connected with re-forming of relationship of right, particular ownership forms, that pertained out no only existing objects, but and features, which happened in each region.

Therefore basis task of this theme – determine position ownership in right relationship according territory formation in the state, and also substantiate it necessity improvement and reforming.

Learning of basis category right ownership on the territory of Ukraine give possibility maximally objectively to determine essential of process general privatization and prospective of their properties forms how thing and land plot – between differential parties of legal mutually-relationship.

2 Purpose of This Article

To lie down in research stage of development of the state regulation process regard given and protection of right ownerships by their kinds, forms and objects. Therefore it is right ownerships in Ukraine are clearly binding until her territory borders, based on what its state regulation impacted and lie down development – beginner from receiving of Ukraine independence and ending large-scale decentralization for formatting of Amalgamated of Territorial Communities, together with creation and opening of transparent land market.

This research of right ownerships into Ukraine depend from territorial formations direction for solve problems thus, in order to promotion law observance and given of equal conditions for physical and juridical persons, territory communes.

3 Materials and Methods

Legislate and norm-legal acts were use under the time of implementation of scientific researches, as: Laws of Ukraine, Codes of laws, Resolutions and etc.

For achievement of set purpose by writing of these article used methods of research: first performance it comparison of relations as well as right ownerships, dependency of arrangement objects ownership on the territorial formations during periods to begun from come independence of Ukraine, and next by method of description were researched directs of construction and functioning right ownership as base of regulation in territorial formations – on basis the experience gained in the state. And all this to connected, that right ownerships in Ukraine to depend by territorial formations of the state, as place of allocation the objects, by which to performance the economic relationships in society.

And on completion, implemented decomposition process method regard of provided rights ownership in field of economy and society relationship, and also monitoring methods regard changes in territorial formations conformably regulation and providing out right ownerships for society. And connection methods of decomposition and monitoring

with others methods is in that, into territory of Ukraine took place such administration-territory reform, as formation of Amalgamation of Territorial Communities, where of enforcement and granted of right ownership are especial matter in the state regulation, particular – in improvement of opened and transparently land market.

To scientist-researches, which developed labors regard right ownership, should be noted Z. Romovska [22], that grounded the right ownership in cutter objects of thing and non-thing forms in process their granted and transfer of physical and juridical persons, K. Stashkiv [23] – regard leading of juristic process, connecting with possession of right ownership in district territorial formations, and T. Krysan [19] – regard granted and simultaneously protection of right ownership for physical persons.

But still is insufficient research of public relationship regard the right ownership, which are fact, fixed by concrete territorial border of the state, resulting in an happens ambiguous attitude no only through there persons, claimed on objects by place their allocation, and also and its state departments, who are authorized to regulate these questions, understand this only in total. Therefore authors of this article to ground research of public relationship regard the right ownership considering territorial formations, particular by stage their chances and recycling, where are objects of possession, for example land plots, for clearly concretization of juristically essence, quest od advantages, promotion perfection and improvement of the state regulation.

4 Results and Discussion

Go to market principles of economy in Ukraine has stronger non-equability of social-economic development the district and aggravation of territory opposition's within the state. This case to require an improvement of state regulation, what directed on overcoming the depressiveness of separation territorial formations, support of labor mobility population, creation conditions for functioning of new economy subjects. Exactly such conditions to lie down in assistance of regional economy system, realization of transfer pays, production of goods and services for society. All this possibility and needed to provide by setting realization right-relations regard objects ownership in connection territorial formations in the state.

It should be noted, that after decay USSR and today, the old economic complex, that to located on all territory district of Ukraine, in insufficiently measures, has provided of differentially development of society and communes, having historical, economical, nature and other particularities and also characterized out higher its potential. Therefore question as to ownership, conformably property things and lands, that related out to present economy complex and remained in separately territorial formations, stay sharp and are the most actual.

Ownership in most economic researches considered as natural matter properties and relations, that express a person's attitude toward things as your-self, and ownership seems as direct condition for consumption, because only appropriation of people of one or another thing are foreseen by process of its consumption. Therefore ownership considered as entity and object, as legal category, on basis which established by order of distributed the economic resources and as category, that determine law control of sure subjects of important goods and economically resources. Hence the ownership is

substantiated no so much economic, how many political, legal factors and acts frequently to category no basic, but only superstructures.

But such determining of ownership is insufficient, how many need to consider right-relationship on level regions of Ukraine which to differed by diverse economic and industrial objects, natural riches, economic potential etc.

As a legal, category of right, ownership expresses conscious, willed actions, relationships pertain things. That is, ownership in a legal aspect is concept that embodies relations – as a form of a manifestation of real existing relationship regard property. This concept clearly confirmed evaluate thing by such areas, as: ensuring of agreement, creation of farms, share payments, privatization, revaluation of properties complexes etc. [25].

They concretely displaying their acquirement into law acts, norms and category of legal property, such as: Possession of land (fact); Use (consumption of object ownership); Disposal (determining of justify ownership – purchase, represent and so on).

After receiving of Ukraine independence in 1991, by arise possibility self and freely by state to manage of own territory, begun out the relationship in the field ownership. About this evidenced accepted by Verkhovna rada (parliament) of Ukraine Law «On ownership», which has a clear binding to territorial formations in the state, because the title of this law is following text «Ukrainian state is sovereign in regulating all property relationships», and is direction for ensuring the free economic self-determination citizens, as well as the use natural, economic, scientific-technical potentials to increase the life level of population.

At the same time, in 1996 by Verkhovna rada (parliament) of Ukraine accepted Constitution of Ukraine, where Art. 41 indicate that ownership an immutable (The constitution of Ukraine. 1996) [29]. It is worth noting that physicals are historically the first persons of ownership. And also in these year been accepted Law of Ukraine «On management of objects the state ownership», where by established requirement for physicals persons indicated on necessity of use objects – in depend from characteristics of property [19].

Substantiating it territorial bound of the state, that pertain relationship of right ownership, established by world community, need indicate a there principles: Right ownership guaranteed out, and their content and district established out legally; Ownership is obligatory its using must serve of society goods; Expropriation is permissible only for the general goods.

There are prevailed object of ownership is foremost condition (factors) production (land, their bowels, flora and fauna), which were organically connect in primarily society regard immediate subjects her appropriation – human.

But in the most-broadened kind *objects* of *right ownership*, which to envelop of territory units the state, are land plots, by clear territorial districting, differ in different price and reproductive characteristics, substantiating of separate objects of society and economy relationship in the state. And regulation of right-relationship in the state that pertained out land plots has perfected in 1998 by way of accepted Law of Ukraine «On land leasing», where lands of Ukraine as ownership forms by basis purpose appointed to split up:

– lands of agricultural appointed;
– lands for housing and public building;
– lands of nature-reserves and other nature-protectoral appointed;
– lands of health-improving appointed;
– recreational land;
– lands of historical-cultural appointed;
– lands of forest-economical appointed;
– lands of water fund;
– lands of industry, transport, connect, energy, military etc.

The obligatory mechanisms of regulation right ownership conformably property is documental per-fastening of right-relationship, as conclusion of agreement, particular on possession of land plot, which is most-broadening processes in the state [22].

Agreements on properties of land plot – legal document, that to certify the legal right on properties of land plot according by established dimension, and things, which arranging on these land, and also natural characteristics.

However, also to exist agreement purchase-sale of land plot – legal document, that to certify a trading relationship between seller and buyer as consent on possession, use, disposal of a land plot, that has its value and matter characteristics, example, place of arrangement. Also it should be noted agreement about land plot leasing – legal document, that evidenced trade relations between landlord and a landholder by according pay as consent on transference of land plot on established term, which has its value and is appropriate appointed depending from the field activity [20].

These above-mentioned documents to regulation legal norms that determine the concept, parties and content of agreement, as well as the order of its conclusion together with amendment and termination. Thus, the constitutional right of physical and juridical persons in the field of land relationship is exercised through the conclusion of agreements (Fig. 1).

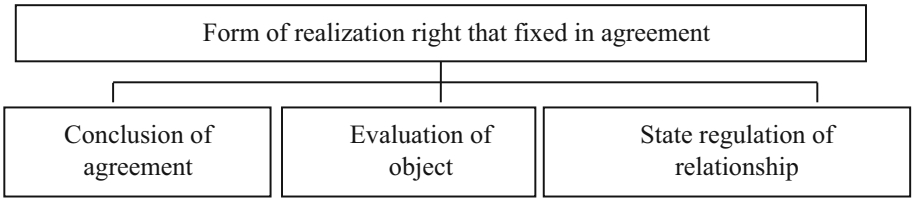


Fig. 1. Forms of realization right on land relationship

For example in the field of land relationship agreement considered three aspects (Fig. 2). Namely agreement of land relationship is an agreement of the parties, and right-relationship regard operations with land plot – this legal relation of property and receiver land share, and also seller and buyer.

Agreement of land relationship is also legal fact of realization buyer land plot other rights on use her and till and obligator of followed all laws and orders. As right institute at agreement on land operation – system of legal norms to purchase-sale of land plot. And

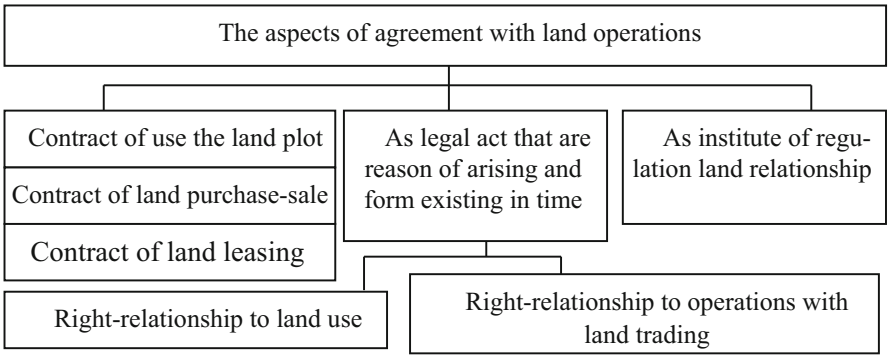


Fig. 2. The aspects of agreement with land operations

institute of agreement land operations is core of land relationship to other operations on objects possession, sale, purchase, leasing.

Especial form of agreement is a contract; him context, although defined by consent of parties, have to responded laws and other norm-legal acts.

From moment of conclusion agreement to ordinate right-relationship between seller and buyer arise right-relationship for use of land plot.

Depending from order of establishment rights and obligators is two kind of condition agreement: immediate, context which to determined parties at conclusion agreement; derivatives, the context which by established in laws, sub-laws and local norm-legal acts and which, as order, cannot be changed by agreement of the parties.

Conditions, are made by the parties at conclusion agreement (immediate), in turn, are divided into obligatory (necessity), without which agreement no must will concluded, and supplementary (facultative), no obligatory for existing agreement (Fig. 2).

Thus, agreements about operations with land plot – contract of parties, their mutual expression of will, that have purpose to establish between agree parties right-relationship (Fig. 3).

Under agreement the main obligators of the buyer land plot belong it primarily the appointed and application sphere. That is exploitation (cultivation) of buyer land plot accordingly by beforehand established appoint, and also improvement him – in depended from economic field.

The land plots territorially are found in different places, therefore farming realized on big square with movement of agricultural machines and mechanisms. And value of land plot to depend from there particularities, as:

– from the surroundings, including infrastructure;
– from permitted directions of use;
– from what is located on it;
– from natural condition;
– from the subsoil and composition of the surface sphere (not always);
– from political stability and fluctuation of demand;
– from condition of economics and level of development country, region;
– from condition of its own benefit characteristics.

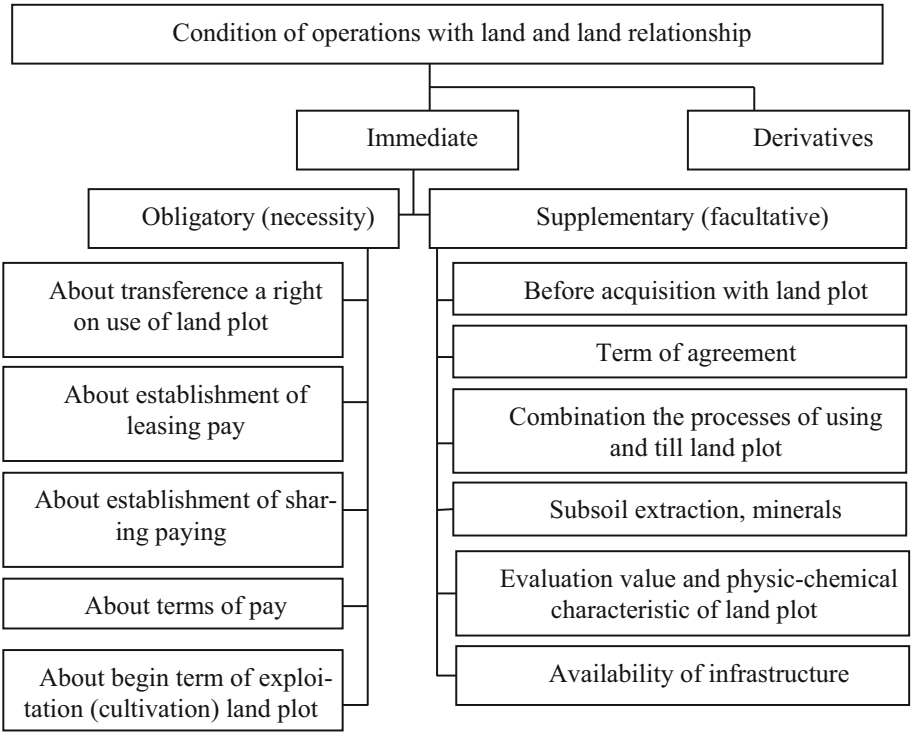


Fig. 3. Condition agreement of operations with land and land relationship classification

Thus, main complexes of right ownership on land that clear to display of territorial appliance properties and non-properties objects the state is: place of realization land operations; information provided of land market sharer about him condition; disclosed of subjects operation with land; determining price on land; establishment of form realization land operation (auctions, competition trading, right decision procedures and so on); preparation to realization land operation; execution of legal document; state (notarial) certificate about land operations; payment of customs duties; banking services of land operations; infrastructure of servicing land market; right ensuring of land operations; personnel provided of land market [17].

But in spite of on this, in the state still maintained old post-soviet relations of economic entities, which render uncertain as to right-relationship with questions of property, as well as violation of law ownership. Therefore, before the next stage of development of regulation right-relationship regarding the ownership, which started in 1999, it should be noted attributed to the President of Ukraine Leonid Kuchma Decrees «On pressing measures for acceleration reforming of agricultural sector the economic» and «On pressing measures for acceleration of property privatization in Ukraine», that also is straight relation to the state regulation of territorial formations.

And in further, this stage is based on the adoption of next norm-legal acts that regulate legal relationship on objects property with clear prescribing there are procedures, as buying, sale, exchange, representation, evaluation.

In 2001, the fundamental norm-legal act on regulation of land relationship has been developed and accepted by the Verkhovna rada of Ukraine the Land code of Ukraine. According Land code of Ukraine citizens of Ukraine to received property on land plot follow as [24]:

Acquisition of agreement on land operations, exchange, representation, others civil-legal contracts;

Free transfer from lands of state, communal and private properties;

Privatization of land plots that was previously granted to them in use;

Adoption of inheritance;

Allocate out in nature (on the terrain) of the land plot proper.

The main documents of legislative framework regulating the general provisions of processes evaluation, that concerning of all contracts is property evaluation, which no is share of the state property and legal restrictions on ownership are:

1. Resolution of the CMU, 2002, № 1531 «On Expert Monetary Assessment of Land Plots», 2002, October 11;
2. Law of Ukraine, 2004, № 1808-IV «On Land Evaluation», 2004 June 17;
3. National standard 1, 2003, № 1440 «General Principles of Assessment of Property and Main Rights», 2003 September 10;
4. National standard 2, 2004, № 1442 «The Real Estate valuate», 2004 October 28.

And conformably of all objects ownership generally it should be note drafted and accepted by Verkhovna rada of Ukraine the Civil code of Ukraine in 2003, where indication the full list of subjects ownership on property. Therefore was to this time has active Law of Ukraine «On property», where in Art. 11 signifying, that only citizen, or physical persons was recognized private owners – and this often led conflicts conformably of objects properties [28].

And since from acceptation of the Civil code of Ukraine served out the considerable broadening of subjects property, which led to radical economic and social changes in society, of quality changes in production managing as one on the functions of property (arising of management, marketing, employees of qualify managers), to development of new economic forms (individual, collective, mixed).

The each type of economic relations society is it prevailed object property. Only he characterized almost full:

Mutual-relationship human with nature;

Level productivity labor in society;

Particularity of appropriation means and results of production.

And in article 316 The Civil code of Ukraine is there understand of right ownership:

– right ownership is a right of person on thing (property), that they to realize accordingly by self-will, independently from will other entities;
– particular kind of right ownership is right of trust property, which to arise because of law or agreement.

A broadening of subjects properties it mean the democratization of management ownership, production, transformation of a significant part of society into immediate owners, which most-efficiency to realize its production activities [16].

Along with the state (what determined Law of Ukraine «On property»), and cooperatives (which early been subjects properties), now the owners became separate citizens, labor collectives, and also foreign states, international organizations, other legal entities.

Of course, so happened the great achievements in right-relationships with ownership but along with this stage of setting development of regulation on possession namely – period from 2004 is personified of negative phenomena, as self-appropriation and usurpation of objects property that is – raiding. And here there is a need to emphasize so problems regard right-relationships combine with appropriation and non-legal possession of objects property, such as:

– legal abuse of third entities, for example – advocates, which browsing official documents about financial condition of the economic, has falsified data about him debt;
– wishing of bank organizations by lending crediting of subjects economies forcedly to reason growth debt with purpose appropriation profit and value objects properties;
– non-legally decision of justices regard transaction of right ownership by other entities, which founded on imitation and falsification documents regard possession on objects properties;
– wishing of large oligarchic groups to appropriated of objects properties of other entities for own broadening its activities or receiving of additional goods.

And therefore here sharply staying question in regulation contradictions regarding right ownership no only on legal level, but and arise out necessity in reforming of state and department institutes – concerning discharge of they its function.

And only in 2018–2019 up for prevention of raiding on general-state level were introduction changes to Land code of Ukraine and adopted Laws of Ukraine «On State Registration of Corporeal Rights to Real Estate and Their Encumbrances» (to have accent as anti-raider law) and «About modification of some legislative acts of Ukraine concerning the decision of a question of collective ownership of the earth, improvement of rules of land use in massifs of lands of agricultural purpose, prevention of raiding and stimulation of irrigation in Ukraine», which to pertain a strongly of order registration business, real estate, lands plots, to disclosed information about objects ownership and their use, and also established clear requirements regard state power entities activity, for example, those authorized to conduct state registration of objects property. Here these norm-legal acts to justify a clear link to the territorial entities that the state has, therefore namely in their ensured registration of property right into real estate [27]. This also applies land plots, which within the limits established by the State land Cadaster are lease, use and disposal conformably their possession, purpose, and the prepared technical documentation [26].

Further after these it should be noted events of Ukraine, which was happen in 2014, that clear affected its territory, as, such as loos of Crimea and hostilities into Donbass. And therefore question to protection of right ownership on temporarily occupied territories stay very sharply. In ties with hereby are several aspects that attracting attention. One

of them – compensation for property damaged by harm of war actions, that is fact destroyed, the second – property, illegally appropriate from citizens, who left him on occupied territory not on their will, the third – how to save property, that here remain, from misappropriation of unknown entities etc. [23].

And here receive compensation of harm by reasoned of war actions losses from state possibility only by availability of evidences its reasoning, reason-consequently connection and cost evaluation of losses.

Property located in ATO zone, can be sold. Ways of decision of this question are two: general powers of attorney of disposal property, which can be receive on occupied territory, how notaries have access notarial register of power of attorney, or register the contract in the territory controlled by Ukraine.

Here it should be noted, that accordingly to provisions of the Law of Ukraine «On providing rights and wills citizens and legal regime on temporarily occupied territory of Ukraine», guard and protection of right ownership on temporarily occupied territory realized accordingly to legislation of Ukraine. This Law protected preservation in righty aspect by properties right ownership on their real estate that arranged on temporarily occupied territory. For example, in the case conclusion transactions regard real estate with infringement legislation of Ukraine there is considered invalid from the moment of realization and does not created legal consequences.

Equally with there, exactly from 2014 until 2019, was happens a first stage of decentralization in Ukraine – the mentioned next stage of development regulation transaction as to ownership. Here the state policy of Ukraine in field local self-government to basis oneself for the interests residents of territorial communities and foreseen of decentralization their powers – that is transfer from entities of execute government to entities of local self-government a significant parts authorities, recourses and responsibilities. In base of this policy by lay provisions of the European Charter of local self-government and better world standards of society relationship in this field.

The legal sub-substantiation for core change of government power system and her territorial basis on all levels began to form in 2014.

In April 2014 the Government has approved a major approach document – the Concept of Reforming Local Self-Government and Territorial Structure of Power. Thereafter, the Action Plan was approved to implement the Concept, thus launching the reform.

By this time already formatter and to active the main package of new legislation, to improved priority initiatives. This refers to:

- Laws on amendments to the Budget and Tax Codes of Ukraine. Due to those amendments, local budgets increased by UAH 123.4 billion: from UAH 68.6 billion in 2014 up until UAH 275 billion in 2019;
- The Law “On Voluntary Amalgamation of Territorial Communities”. It made possible to start forming a capable basic level of local self-government. By 2015–2019 in Ukraine 892 amalgamated territorial communities (the “ATCs”) were already established. Those ATCs are composed of about 4500 former local councils (from nearly 12 thousand). International experts regard this rate of inter-municipality consolidation to be very high.

Also, the law introduced the institute of starosta (village headperson) in the ATCs who represent the interests of rural residents in the community council. Today, 800 starostas have been elected, more than 2,4 thousand individuals are acting starosta.

In 2018 Amalgamation of Territorial Communities by received in communally ownership nearly 1.5 million hectare lands of agricultural appointed by border of population points;

- The Law "On Cooperation of Territorial Communities". It established the mechanism of dealing with common problems faced by communities: waste management and recycling, development of joint infrastructure, etc. This mechanism to indicate of there are particularities: conclusion 530 cooperation agreements are already being implemented; 1188 communities already have taken of these acquirement;
- The Law "On Fundamental Principles of the State Regional Policy". The government support for regional development and the development of infrastructure in communities increased by 41.5 times over the period of reform: from UAH 0.5 billion in 2014 up until UAH 20.75 billion in 2019. By the setting of this support in districts and communes realized in 2015–2019 more 12 thousand projects;
- A package of laws pertaining to the enhancement of powers of local self-government entities and the optimization of administrative services provision. It allowed delegating powers to provide administrative services to local self-government bodies of respective level: individuals registration at the place of residence, issuance of national identity documents, state registration of physical and juridical persons, entrepreneurs, associations of citizens, civil registration, registration of proprietary rights, dealing with land issues, etc.

The new legislative framework significantly strengthened the motivation to intermunicipal consolidation in the country, created appropriate conditions and mechanisms in terms of legal framework for the establishment of capable territorial communities in villages, towns, and cities consolidating their efforts with the aim of resolving pressing problems. Also, the new model of financial support to local budgets has proved to be effective, which budgets obtained autonomy to certain extent and independence from the central budget.

And on Fig. 4 disclosed characteristic of territorial formations in Ukraine from 2014, together with achievement, what set a creation Amalgamation of Territorial Communities. Here is need to indication a role of right ownership in new-created Amalgamation of Territorial Communities over processes of purchase, exchange and transaction property and land, where by property relationship is population, starostas (village headperson) and economics, which there are stayed and leaded its activities, among them with settle of accordingly processes in just that one territorial formations of present years to realization administrative-territorial reform.

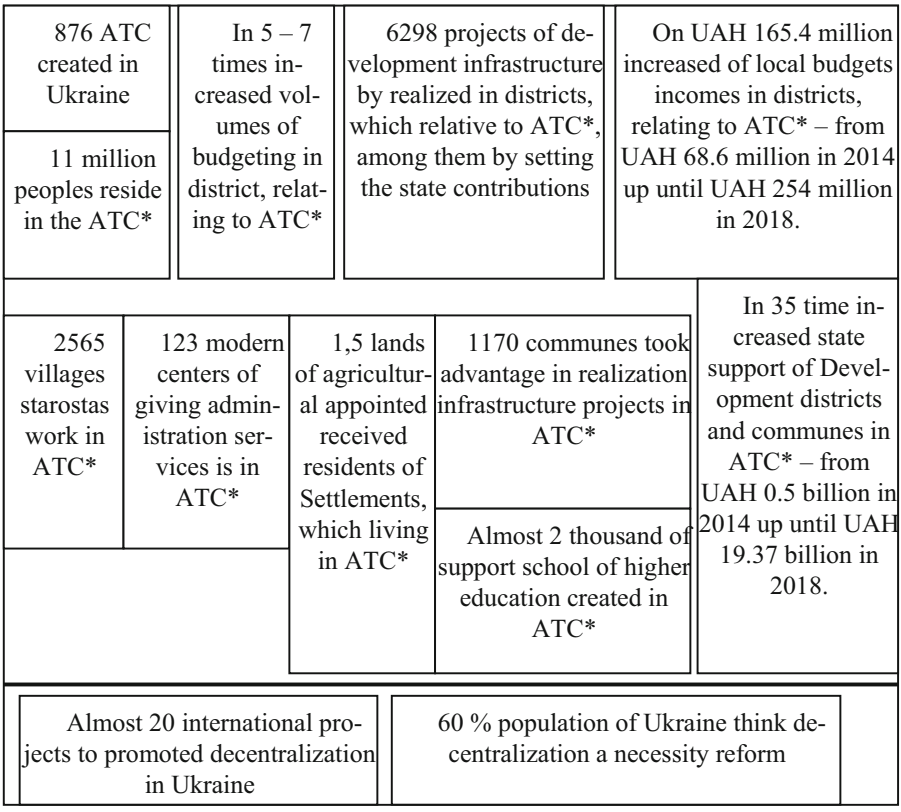
In 2019 President of Ukraine Volodymyr Zelensky has signed Law «On introduction changes to several legislate acts of Ukraine as to protection of right ownership» [30].

In Ministry of Justifying to self-duty indicated, that new law to promote a decreasing of quantities raiding usurpation of Real Estate and Corporeal Rights. The law to foreseen overcoming of main justifies gaps that create problems properties Real Estate and business.

So, the law to foreseen stopping of accrediting subjects activity; improvement obligatory of notarial witnessing od agreement about strangest out Corporeal Rights; improvement principle of one-timely till reasoning of notarial active and state registration rights; increasing responsibilities by infringement accordantly registering procedures.

And purpose these Law lie in decreasing of quantities raiding usurpation of Real Estate and Corporeal Rights, and also decrease of expense citizens and business, connected with protection ownership from unlawful encroachments.

And further President of Ukraine Volodymyr Zelensky has promised about opening of the transparently land market. Therefore by him affirmation, during the ban on the sale of agricultural land, about 5 million hectares of state land were illegally appropriated in Ukraine, and a shadow market for land turnover without taxes, official employment and social guarantees for people was formed inside the country.



* ATC – Amalgamated of Territorial Communities

Fig. 4. Decentralization in Ukraine [18]

When in March 2020 were worked the first step in direction of opening land market – then Verkhovna rada has decreed law about improvement of lands current of agricultural appointed. And in May 2020 parliament has voted, and President of Ukraine Volodymyr

Zelensky has signed law about national infrastructure a geo-spatial dates, particular single geo-portal of open dates – information about all land, water, and forest recourses.

Equally with there, in July 2020 President of Ukraine Volodymyr Zelensky had signed a law on spatial planning of communities, because communities know best how to organize their lives: where to have a kindergarten, school, public roads or industrial facilities [21]. To fully complete decentralization, a decree was signed on the transfer of agricultural land from state to communal ownership. Accordingly statement President of Ukraine Volodymyr Zelensky knowingly, that «Local communities have received more than two million hectares of land, as well as the opportunity to allocate funds from land use to their development and well-being».

And in 2020–2021 was happens a second stage of decentralization in Ukraine [18]. Here Cabinet Ministers of Ukraine determined a support of decentralization reform in Ukraine one with priority task, that protection a development the local self-government and economic perfection of country whole. And base tasks discovered on Fig. 5 pertains of this stage decentralization. This period by became keying in question of formatting framework the local self-government: 2020, July 12 government had approved a new administrative-territorial order of basis level. Accordingly to ordinations of Cabinet Ministers of Ukraine, in Ukraine was formation 1469 Amalgamated of Territorial Communities, that to covering all territory of country.

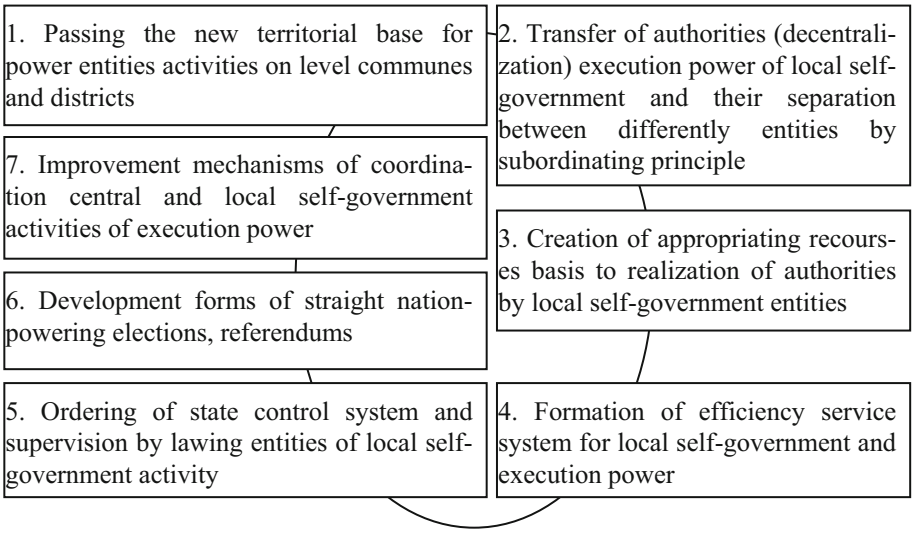


Fig. 5. Main tasks of decentralization in 2021–2022 [18].

15 July 2020 by Verkhovna rada of Ukraine accepted Resolution № 3809 «On appointed of the next local elections in 2020», that is – from 25 October 2020.

16 July 2020 by Verkhovna rada of Ukraine accepted changes to elections legislation.

17 July 2020 by Verkhovna rada of Ukraine accepted Resolution № 3650 «On creation and liquidation districts». Accordingly with this document, present in Ukraine 136 districts. Olds 490 districts parliament has liquated.

25 October 2020 has come local elections on new territorial framework of communes and regions.

All this create a solid foundation for next steps reform of local self-government, and also to promote of speeding-up reforms in field health guard, education, culture, social services, energy-efficiency and other sectors.

For continued reform necessity to be passed else row following important laws, as:

- "On Fundamental Principles of Administrative and Territorial Structure of Ukraine" (the draft Law has been prepared for consideration by the Verkhovna Rada (Parliament)). Subject to the effective Constitution, it determines the fundamental principles on which the administrative and territorial structure of Ukraine, types of settlements, the system of administrative-territorial entities, powers of the governmental authorities and local self-government bodies in terms of the administrative and territorial structure, procedure for the formation, liquidation, establishment and changing the boundaries of administrative-territorial entities and settlements, maintenance of the State Register of Administrative-Territorial Entities and Settlements of Ukraine should be based.
- "On Service in the Bodies of Local Self-Government" (it is currently being refined by the Verkhovna Rada (Parliament), subject to proposals of the President). It will ensure equal access to, and enhance the prestige of, service in local self-government entities, as well as enhance the motivation of local officials in terms of development of communities and individual development of the officials.
- Regarding government supervision of the legality of resolutions passed by the entities of local self-government.
- On Urban referendum;
- "On Urban Agglomerations". It will determine organizational and legal principles for the formation of urban agglomerations by territorial communities of villages, towns, and cities, including by the amalgamated territorial communities, the principles and mechanisms of co-operation of territorial communities within the boundaries of urban agglomerations, as well as the forms of government support for urban agglomerations.
- Renewal a laws about local self-government, about local state administrations etc.
- Amendments to the legislation on health care and other sectorial changes.
- Regarding land resources management within the boundaries of amalgamated territorial communities. It will introduce the principle of ubiquity of the ATC's jurisdiction in terms of land relations provide powers to dispose of the land plots outside the boundaries of settlements.
- Regarding the expansion of types of town planning documentation at the local level. It will remove the gaps in terms of regulation of the town planning and make any unauthorized use and allocation of land impossible.

In 2022 waiting out the introduction changes to Constitution of Ukraine regard decentralization, which are necessary for further promotion of the reform and its completion.

5 Conclusion

In this article by researched initiation and development of the right ownership such objects: property and land plots, because they required subject to the state regulation accordingly existing territorial formations, where are Amalgamated of Territorial Communities and residence there population. These above objects of ownership bind with natural and resource condition of territorial formations that is basis for leading of economic and public relationship in the state.

The state regulation of public relationship regard right ownership to property generalized conclusion agreements, that is most common juristically practice between granted and transparent thing and non-thing objects. Because field of public relationship regard right ownership clearly to monitoring a territorial affiliation thing and non-thing objects.

But in spite of on this, in the state still maintained old post-soviet relations of economic entities, which render uncertain as to right-relationship with questions of property, as well as violation of law ownership. And it all caused necessity of research stages of development public relationship regard of the right ownership in Ukraine, as acceptation of fundamental norm-legal acts with clearly prescribing there procedures, as purchase, sale, exchange, presentation, evaluation.

At the time researching stages of development of the right ownership in this article, together with chances, perfection and improvement existing and creation of new norm-legal acts, directed on democratization of management property, production, recycling much of society on direct economists and etc., grounded guide and mechanisms of these right relationship regard conditions transfer and granted objects, that happens out in Ukraine.

These research is consistent with that by consideration a stages of development of the right ownership in Ukraine, expanding the list of subjects property, recycling and addition norm-legal base, and also phenomena's, which happened into Ukraine among with large-scale decentralization by formation Amalgamated of Territorial Communities, together with creation and open of transparent land market to accord purpose of this scientific publication. And this to ground conflict resolution, which to happen in society regard procedures transfer and granted of objects property that fixed by territory borders, and on this basis – compliance with the law and granting equal condition of physical and juridical persons, territorial communes.

And creation of new society and economic relationship system on basis ownership on property and land plot, provided equally of right ownership on land physical and juridical persons, territorial communes and the state, and also warranting rights on land became key moment of development Amalgamated of Territorial Communities, which reorganized and to transformed being in 2014. But, in spite of, orientation of Ukraine on market relationship accordingly to Constitution of Ukraine, else need of radical changes the territorial formations in field of economies activity on property and land. And there exactly, with appearance Amalgamated of Territorial Communities in decentralization process, what being in 2014, the state stay on responsible stage of practical improvement land market relationship, that to pertain interests of each citizen of Ukraine. They should be efficiency in political, sociological, economics and ecological aspects. Here politics of liberalization of properties and land relationship the society, communes and economic complex obliged to base on un-permitting whenever un-substantial distractions

or preconceiving regard transaction property and allocation lands shares, their separate, exchange or association, and obligatorily be sub-fastening of the effective legal leverage for protection entirety of property, rationally land massifs, and also un-permitting their of non-substantial splitting (parceling).

References

1. Abuselidze, G.: Competitiveness analysis of the georgian transport and logistics system in the black sea region: challenges and perspectives. In: Gervasi, O., et al. (eds.) ICCSA 2021. LNCS, vol. 12952, pp. 133–148. Springer, Cham (2021). https://doi.org/10.1007/978-3-030-86973-1_10
2. Datsii, O., Levchenko, N., Shyshkanova, G., Platonov, O., Abuselidze, G.: Creating a regulatory framework for the ESG-investment in the multimodal transportation development. Rural Sustain. Res. **46**(341), 39–52 (2021)
3. Koval, N.: Three faces of federalism in the foreign policy: Russian and German approaches to the "Ukraine Crisis". In: Decentralization, Regional Diversity, and Conflict, pp. 187–210. Palgrave Macmillan, Cham (2020)
4. Abuselidze, G., Sudak, I., Bilyak, Y., Nehoda, Y.: Political features of federalization of the most powerful countries in the world: experience for Ukraine. In: Proceedings of the 21 International Multidisciplinary Scientific GeoConference Surveying, Geology and Mining, Ecology and Management – SGEM 2021. SGEM, vol. 21, no. 5, pp. 797–804 (2021). https://doi.org/10.5593/sgem2021/5.1/s21.096
5. Marchuk, A.: Theoretical foundations of decentralization: its essence, forms and consequences. Moderní věda 37 (2018)
6. Holm-Hansen, J., Kropp, S.: The regional diversity of Ukraine: can federalization be achieved? In: The Accommodation of Regional and Ethno-Cultural Diversity in Ukraine, pp. 23–51. Palgrave Macmillan, Cham (2021)
7. Marlin, M.: Concepts of "decentralization" and "federalization" in Ukraine: political signifiers or distinct constitutionalist approaches for devolutionary federalism? Nationalism Ethnic Politics **22**(3), 278–299 (2016)
8. Sanders, D., Tuck, C.: The Ukraine conflict and the problems of war termination. J. Slavic Mil. Stud. **33**(1), 22–43 (2020)
9. Abuselidze, G.: The intergovernmental relations and their regulation in the context of decentralization of fiscal policy. In: E3S Web of Conferences, vol. 280, p. 02010 (2021). https://doi.org/10.1051/e3sconf/202128002010
10. Abuselidze, G.: Mechanism of transfer of financial resources to territorial units: a case study. In: European Proceedings of Social and Behavioural Sciences (EpSBS), vol. 82, pp. 192–200 (2020)
11. Davydenko, N., Buriak, A., Demyanenko, I., Buryak, M.: Assessment of the components of financial potential of the regions of Ukraine. J. Optim. Ind. Eng. **14**(1), 57–62 (2021). https://doi.org/10.22094/JOIE.2020.677816
12. Britchenko, I., Bezpartochnyi, M., Natalia, M.: Financial decentralization in Ukraine: prerequisites, problems, prospects. VUZF Rev. **4**(4), 25–44 (2019)
13. Siryk, Z., et al.: Decentralization of local self-government under the conditions of administrative-territorial reform in Ukraine. Accounting **7**(4), 781–790 (2021)
14. Dmytryshyn, M., Dmytryshyn, R., Yakubiv, V., Zagorodnyuk, A.: Peculiarities of Ukrainians' approval of decentralization reform. Adm. Sci. **11**(4), 104 (2021)
15. Kvitka, S., Borodin, Y., Yemelyanov, V., Moskalets, M., Zubchenko, V.: The subsidiarity principle and legal and economic aspects of the decentralization in Ukraine. Cuestiones Políticas **39**(68), 356–368 (2021)

16. Belgytsia, V., Antonova, L., Kozlova, L., Datsii, O., Datsii, N.: System of concepts communications of state institutions and society as the basis of national security and socio-economic stability. Financ. Credit Act. Probl. Theory Pract. **3**(38), 549–556 (2021). https://doi.org/10.18371/fcaptp.v3i38.237487
17. Datsii, O., Datsii, N., Zborovska, O., Aleinikova, O., Krasowska, O.: Marketing research of the state policy in the field of sanitation of the settlement territory. Financ. Credit Act. Probl. Theory Pract. **2**(37), 510–520 (2021). https://doi.org/10.18371/fcaptp.v2i37.230679
18. Decentralization Give Possibilities (2021). https://decentralization.gov.ua/about
19. Krysan, T.: Problems of the state-legal guarantying of right ownership for physical persons. Enterp. Econ. Right **1**, 38–41 (2012)
20. Oleshko, T., Kvashuk, D., Boiko, Y., Odarchenko, R., Krainov, V.: Analyzing digital image processing capabilities while growing crops. In: CEUR Workshop Proceedings, vol. 2654, pp. 240–250 (2020)
21. President of Ukraine Volodymyr Zelensky: The transparent land market is what we promised and what we are implementing, 24 May 2021. https://www.president.gov.ua/news/volodimir-zelenskij-prozorij-rinok-zemli-ce-te-sho-mi-obicya-68629
22. Romowska, Z.: Ukrainian Civilian Right. General Part: Academic Course: Textbook 2nd edn. Supplemented. Aleuta, KNT, Center of Educational Literature, Kyiv, 594 p. (2012)
23. Stashkiv, K.: In ATO zone the right ownership. Justify practice: ownership work. Ukrainian Jurist, 4 April 2015. http://jurist.ua/?article/869
24. The Land Code of Ukraine. Law 2768-III-VR/2001. The Verkhovna Rada of Ukraine, 25 October 2001. https://zakon.rada.gov.ua/laws/show/2768-14
25. The Law of Ukraine: on appraisal of property, property rights and professional appraisal activity in Ukraine. The Verkhovna Rada of Ukraine. Law 2658-III-VR/2001, 12 July 2001. https://rada.kiev.ua
26. The Law of Ukraine: On modification of some legislative acts of Ukraine concerning the decision of a question of collective ownership of the earth, improvement of rules of land use in massifs of lands of agricultural purpose, prevention of raiding and stimulation of irrigation in Ukraine. The Verkhovna Rada of Ukraine. Law 2498-VIII-VR/2018, 10 July 2018. https://zakon.rada.gov.ua/laws/show/2498-19#Text
27. The Law of Ukraine: On state registration of corporeal rights to real estate and their encumbrances. The Verkhovna Rada of Ukraine. Law 1952-IV-VR/2004, 1 July 2004. https://zakon.rada.gov.ua/laws/show/1952-15#Text
28. The Civil Code of Ukraine: The Verkhovna Rada of Ukraine. Law 435-IV-VR/2003, 16 January 2003. https://zakon.rada.gov.ua/laws/show/435-15
29. The Constitution of Ukraine: The Verkhovna Rada of Ukraine. Law 254к/96-VR/1996, 28 June 1996. https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80
30. Ukrinform: President has signed law about protection of law ownership (2019). https://www.ukrinform.ua/rubric-polytics/2802978-prezident-pidpisav-zakon-pro-zahist-prava-vlasnosti.html