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INFORMATION ABOUT THE AUTHOR

Kushnir Irina Pavlovna – Candidate of Law Sciences, Senior Lecturer at the Department of Theory and History of State and Law and Private Law Disciplines of the National Academy of the Border Guard Service of Ukraine Named after Bohdan Khmelnytskyi

ИНФОРМАЦИЯ ОБ АВТОРЕ

Кушнир Ирина Павловна – кандидат юридических наук, старший преподаватель кафедры теории и истории государства и права и частнопубличных дисциплин Национальной академии Государственной пограничной службы Украины имени Богдана Хмельницкого

ir_kushniri@ukr.net

UDC 349.4:349.6

THE PERMANENT AGRICULTURAL LEGAL SUPPORTING IN UKRAINE

Viktoriya LATYSHEVA,

Candidate of Law Sciences, Associate Professor, Associate Professor at the Department of Law Sciences of Kremenchuk Mykhailo Ostrohradskyi National University

SUMMARY

In the article the scientific concepts of sustainable development of agriculture are investigated. Priority of ecological management in the agro-industrial complex has been proved. A new form of management has been proposed – permanent agriculture, which will be part of the ecological network and will contribute to environmentally balanced farming.

Key words: sustainable development, ecological network, permaculture, permanent agriculture.

ПРАВОВОЕ ОБЕСПЕЧЕНИЕ ПЕРМАНЕНТНОГО ХОЗЯЙСТВОВАНИЯ В УКРАИНЕ

Виктория ЛАТЫШЕВА,

кандидат юридических наук, доцент, доцент кафедры отраслевых юридических наук Кременчугского национального университета имени Михаила Остроградского

АННОТАЦИЯ

В статье исследованы научные концепции устойчивого развития сельского хозяйства. Доказана приоритетность экологического хозяйствования в агропромышленном комплексе. Предложена новая форма хозяйствования – перманентное сельское хозяйство, которое будет составной частью экосети и будет способствовать экологически сбалансированному хозяйствованию.

Ключевые слова: устойчивое развитие, экосеть, пермакультура, перманентное сельское хозяйство.

Statement of the problem.

Ukraine is considered an agrarian state, and the agro-industrial complex developing is a guarantee of food security. That is why the policy in the state was aimed at increasing the volumes of agrarian production.

The relevance of the research topic. The active transformation of territories into arable land is a direct interference with natural processes. Such intervention in biological processes nature can compensate provided that the plowing degree doesn't exceed certain limits. However, in almost all soil-climatic zones, as a result of agrarian production, negative balance of humus and mineral substances arose. So instead of a technocratic path developing, it is necessary to develop its own path, which is based not on the volitional decisions of the agroholding owners, but on the system of scientific knowledge of nature, taking into account the interacting characteristics of living organisms

in nature. The foregoing demonstrates the researching urgency.

Status of research. The problem of the agrarian relations developing is one of the most urgent in modern science. Researching the relations of effective agriculture regulation is carried out by economists, environmentalists, lawyers, and others. In the field of legal studies, it's worth noting the works of such scholars as Yu. Semeshuchenko, V. Kostytsky, V. Urkevich, M. Krasnov, whose scientific works were devoted to the analysis of the relations sustainable developing and ecological management, and created the scientific basis for this study.

The object and purpose of the article is to research the scientific concepts of sustainable development, aimed at the relations of effective rural production and the search for new models of management in this area.

The presentation of the main material. Note that in today's context



the Concept of Sustainable Development is largely aimed at solving environmental problems. Scientists V. Kostytsky and Yu. Shemshuchenko note that today the issues of theory and methodology of environmental law are again becoming topical. Scientists note that their social basis should be the awareness of the features of modern life, which is accompanied by numerous natural and techno-anthropogenic cataclysms, political, economic, military confrontations, that violated the problem of consciousness of their place on the planet Earth before humanity. Without such awareness and the implementation of urgent measures, the onset of the global environmental and humanitarian catastrophe seems to be increasingly real. They moved to the forefront of the overall spectrum of global socio-economic, political, but first of all humanitarian problems, no matter how scientists, politicians and astrologers wouldn't evaluate the prospects of human survival and the possible onset of a qualitatively new age in the civilization developing. The main achievement of the world ecological movement representatives should be the recognition of the responsibility of current generations towards the future, an awareness of the purpose of each generation in the development system. After all, the interaction of society and nature is a general condition of human activity. Associated labor nature is a source, condition and factor of the production activity is social, as well as the process of its "humanization", that is production [15, p. 67].

Professor M. Krasnova, exploring the ecological and legal aspects of rural development, points to the objectives of the State Environmental Policy Strategy, in particular: no further loss of biological and landscape diversity and an ecological network forming; to ensure environmentally balanced environmental management which will expand to 15 percent of the natural reserve fund, including rural areas not burdened with technological production, as well as technical lyre-equipping agricultural production with the introduction of innovative projects, energy-efficient and resource-saving technologies, low-waste, non-waste and environmentally safe technological processes until 2020 [9, p. 31].

At the same time, V. Urkevych focused on such cooperation as the promotion

of modern and sustainable agricultural production taking into account the need to protect the environment and animals, including the spread of organic production methods and the biotechnology using, with the introduction of best practices in these areas [14, p. 76]. The scientist defines organic production as a special method of agriculture (agricultural production) which is carried out on certified agricultural lands and is subject to mandatory certification, provides the use of such a production management system takes into account and improves the state of the agro-ecosystem (including biological diversity, biological cycles and biological nature of the soil), provides minimal tillage and energy and resource-saving technologies using, characterized by care for all components of the environment and a refusal to use artificial fertilizers or synthetic chemicals and the use of genetically modified organisms, the purpose which is to completely satisfy consumers with products produced using natural substances and mechanisms [14, p. 76].

We support the proposal of V. Urkevych to include in the legislation of Ukraine normative prescriptions concerning state support of agricultural producers seeking organic farms status, taking into account the experience of the EU [14, p. 77].

So, it has been established the land on which the ecological management is carried out is part of the ecosystem. Considering that the feature of modern science is the tendency of convergence of natural and human sciences, we consider it expedient to take into account the main environmental concepts during the research into legal regulation the ecological network developing in agriculture. Due to the great complexity the objects studying, ecology has a lot of laws, principles and rules. The famous American ecologist Barry Commoner in 1974 formulated his most abbreviated and simplified version of the ecology laws in the form of four aphorisms.

The first law "Everything is connected to everything" focused on the general connection of processes and phenomena in nature and human society. By value, it is close to the law of internal dynamic equilibrium: a change in one of the system's parameters usually causes structural-functional quantitative and qualitative changes.

The second law "Everything must go somewhere" can be called mass of sub-

stances conservation law one of the most important requirements of rational nature management.

The third law "Nature knows better", points out that there is no absolute reliable information about the mechanisms and functions of nature, people almost inevitably damage the natural systems. The artificial introduction of organic substances, which do not exist in nature, but they are involved in a living system, probably will cause harm. Commoner B. added the wording of this law: "Nature knows best what to do, and people have to decide how to do it as best as possible".

The fourth law, "You have to pay everything, or nothing is given for nothing", is explained by the fact that the global ecosystem is a single entity within which nothing can be won and which can't be the object of a general improvement: "everything that was extracted from it by human labor, must be compensated" [12].

I. Ovsinsky, the founder of organic agriculture, argued at the time that plants are have not only impressions from external factors, but also the ability to perceive the impressions of their own plant life, that is self-knowledge. The scientist emphasized the importance of where the collision between the plant originality and the owner's purpose should take place, and in what case, managing its internal economy, the plant can cause frustration to the land user [11].

So, ecological management is a priority, compared to other forms of management. The UN World Conference on the Environment and Development adopted a declaration and recognized the Concept of Sustainable Development as the dominant ideology of the 21st century civilization. Developing the sustainable social and economic of any country means the functioning of its economic complex, when the material and spiritual needs of the population are satisfied, ensuring environmentally safe management and highly effective balanced use of natural resources, creating favorable conditions for human health, preserving and reproducing the environment and natural resource potential of social production [10].

Article 404 of the Association Agreement between Ukraine, on the one hand, and the European Union, on the other, provides for the promotion of modern



and sustainable agricultural production, taking into account the need to protect the environment and animals, including the spread use of organic production methods and the use of biotechnology, inter alia by introducing the best practices in these areas.

The Strategy of the State Environmental Policy of Ukraine for the period up to 2020 [4] of December 21, 2010, № 2818-VI, is defined as aimed at stabilizing and improving the state of the natural environment of Ukraine by integrating environmental policy with socio-economic development of Ukraine to guarantee an environmentally safe natural environment in the sphere of life and human health, introduction of ecologically balanced system of environmental management and conservation of natural ecosystems.

It is worth noting that the UN General Assembly has set a list of tasks in the form of 17 goals. Among them, the fifteenth is "Protecting and restoring terrestrial ecosystems and promoting their rational use, rational forest management, combating desertification, stopping and returning the process of land degradation and stopping the process of biodiversity loss". With this provision, inseparable objectives are added, one of which is: "Combat desertification until 2030, to rebuild degraded lands and soils, including land suffering from desertification, droughts and floods, and strive to ensure that the condition of the land doesn't deteriorate in the whole world" [10]. It would be appropriate to apply this task to the knowledge accumulated by humanity in the field of permaculture. After all, this approach to designing the future development of the land involves using the organizational property of the human mind to replace the muscular strength or the energy of natural fuels. Therefore, permaculture is based on knowledge of ecology and the laws of nature, which enable us to use our resources, but in response require immediate care.

Against the background of two well-known methods of obtaining agricultural products – "traditional", with a lot of routine manual work, and "industrial", resource-intensive and ecological is not perfect, – permaculture is the third, new, economic and ecological method of agriculture.

Today, ecological management based on permaculture principles, it is becoming very popular in economically developed countries.

Unfortunately, in Ukraine this concept has not yet gained popularity, its advantages are used in landscape design, and even less so-called downshifters. In our opinion, the lack of interest of legislators and government officials in implementing the "permaculture" concept is one of the reasons for the ineffectiveness of state environmental policy in Ukraine.

Permaculture means "permanent" agriculture, that is sustainable, functioning continuously and continuously. This so called a system for designing a viable environment that surrounds a person and is based to understanding of the interconnection of wildlife elements. It is not a curtailment of nature. Permaculture is the placement of a person in the natural cycle of its processes, direct involvement in the environment developing [8].

This is a new approach to land use for humanity. Today there are only a few farms in the world, where the permacultural approach is a comprehensive implementing.

The Australian environmentalist professor Bill Mollison and his student David Holmgren was developed the permaculture concept in the 1970s [1]. The basis of permaculture are sustainable (balanced, harmonic) systems that not only satisfy their own energy needs, structural materials (nutrients), the balance between its various elements, but also produce an excess, because permacultural systems are created by human and to meet their needs. An example of sustainable systems is untouched natural systems that can maintain a natural balance, otherwise they couldn't exist.

So, a sustainable system is always multicultural. In addition to environmental, it also provides economic sustainability, less dependence of the farmer on the crop loss (or from fluctuations in market prices for a particular product). The production of diverse, desirable unique and valuable products (including environmentally friendly) makes the farmer more competitive. Working with complex natural systems requires an understanding of the principles of their functioning and their integrated in effective design. Therefore, permaculture focuses on creating small but highly productive farms.

In the end, permaculture focuses on social sustainability, cooperation and the regional economy developing [2].

Conclusions. Consequently, on the basis of the study, it should be noted that to ensure a safe environment, there was an urgent need for reorient economy (especially agriculture) in accordance with the principles of sustainable development, the priority of which was determined at the legislative level. We believe that in Ukraine it is necessary to introduce in agriculture forms of management on the principles of permaculture, which will form the sphere of permanent agriculture. Accordingly, it is necessary to develop legal norms that will form the legal institute of permanent agriculture as a component of sustainable development of rural territories.

We propose for the effective functioning of the legal mechanism governing permanent agriculture, to define a circle of subjects of permanent agriculture. These include:

1) farming [6], which is a form of entrepreneurial activity of citizens who have expressed a desire to produce commercial agricultural products, to carry out their processing and realization for profit on land plots given to them for ownership and / or use, including leasing, for farming agricultural production, personal peasant farming in accordance with the law. The novella of the Law requires special attention, it is a farm without the status of a legal entity, that is organized on the activities of an individual entrepreneur and has the status of a family farm;

2) a personal peasant farm, the legal status of which is enshrined in the Law of Ukraine "On Personal Peasant Economy" of May 15, 2003 № 742-IV [5]. According to this Law: "A private farm is an economic activity which is carried out without creating a legal entity by an individual, individually or by persons who are in family or family relations and live together in order to meet their personal needs through the production, processing and consumption of agricultural products, the implementation of its surpluses and the provision of services using the property of a private agricultural, including in the field of rural green tourism". As state support for permanent agriculture, we consider it expedient to determine the plots provided for permanent agriculture as part of the ecological



network of Ukraine. According to the Law of Ukraine “On the Ecological Network of Ukraine” [3], this means a single territorial system, which is formed with the purpose of improving conditions for the formation and restoration of the environment, increasing the natural resources potential of the territory of Ukraine, preserving landscape and biodiversity, places of settlement and growth of valuable animal and plant life, the genetic fund, animal migration routes by combining of territories and objects of the nature reserve fund, as well as other territories that have special value to environmental protection and in accordance with the laws and international obligations of Ukraine are subject to special protection. It should be noted that according to Article 4 of this Law, state support is provided, incentives economic entities to create on their lands territories and objects of the nature reserve fund, other territories subject to special protection, the development of the ecological network [3].

We propose to amend part 2 of Article 92 of the Land Code of Ukraine [7], adding the circle of persons who acquire the right of permanent land use, subjects of permanent agriculture. Thus, the right to permanent land use will guarantee state support to farms and stimulate permanent agriculture.

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INFORMATION ABOUT THE AUTHOR

Latysheva Viktoriya Vladimirovna – Candidate of Law Sciences, Associate Professor, Associate Professor at the Department of Law Sciences of Kremenchuk Mykhailo Ostrohradskyi National University

ИНФОРМАЦИЯ ОБ АВТОРЕ

Латышева Виктория Владимировна – кандидат юридических наук, доцент, доцент кафедры отраслевых юридических наук Кременчугского национального университета имени Михаила Остроградского

Laty-viktoriya@meta.ua