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б створення регіональних парламентів та структур управління подібних до ЄС. Також космополітична демократія зазначає про важливість створення наглядових рад при різних міжнародних установах, оскільки міжнародні організації (такі як СОТ, МВФ, Світовий Банк та ін.) повинні бути прозорими у своїй діяльності, доступними та відкритими для громадського контролю.

Варто зазначити, що космополітична концепція не передбачає створення єдиної світової держави, вона лише ставить за мету побудову глобального врядування з міцними демократичними принципами. Ця політична модель є свого роду консенсусом, який породжує гетерархічну систему глобального управління, де всі суб'єкти відносин є взаємозалежними та характеризуються безліччю складних зв'язків і, незважаючи на свою неоднорідність та різноманітність, стають все більш пов'язаними одне з одним.

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## THE CONCEPT OF STATE SUPPORT FOR AGRICULTURAL PRODUCERS

### Abstract.

*The agricultural sector is extremely important for Ukraine. No wonder we are called an agrarian state. Perhaps this statement has a sometimes negative context, but we still have to see perspectives in it. Ukrainian soils are known in the world for their fertility, and Ukrainian farmers for their hard work. But nowadays Ukraine lags far behind its foreign partners, in particular European ones. There are objective reasons for this, especially obsolescence of the material and technical base of agricultural enterprises; agrarian reform not implemented for more than 20 years; archaic approach to doing business; insufficiency, and sometimes lack of state support for agricultural farmers.*

*The purpose of the study is to scientifically substantiate the conceptual foundations of legal regulation of state support of agriculture in Ukraine, formulating on this basis the relevant theoretical provisions and practical recommendations for improving existing legislation that will promote modern doctrine of agricultural, land, environmental law and other areas of law, lawmaking, law enforcement and legal education.*

*In such a depressing environment for the agricultural sector, reforms are necessary. In order to change the existing realities of the Ukrainian agricultural sphere, we should study and analyze the issues of state support for*

*agricultural farmers in Ukraine, as well as to turn to the European experience, based on its effectiveness and time-tested.*

*The article examines the experience of foreign countries such as Poland, Belgium and Germany.*

**Key words:** *agriculture, land law, agrarian law, state support, agricultural producers.*

Despite the presence of a whole range of economic, social and political problems, Ukraine's agriculture is developing rapidly. However, along with the growth of production, increased exports, foreign exchange earnings and tax revenues, the issues of strengthening the environmental component of agribusiness, increasing its social responsibility, innovation, security, competitiveness in domestic and foreign markets are becoming more acute. The current state of legislation in the field of state support for agriculture demonstrates deep crisis phenomena of a formal, substantive and implementation nature.

The scientific literature abounds in the author's definitions of the concept of state support for agriculture, but most often this definition is based on the following formula: a) indication of the sphere of relations in which the support is implemented; b) a generalized list of measures for such support; c) the purpose and tasks to which the state support of agriculture is directed. If we analyze the definitions of state support of agriculture proposed in science for each of the three above features, we can obtain a detailed description of scientific and conceptual approaches to defining this concept.

The problem is to establish a relationship with the concept of state regulation of agriculture, as very often state support for agriculture is determined through state regulation. Several approaches to the relationship between the concepts of state regulation and state support have been formed in science:

- 1) identification of these concepts;
- 2) the order of these concepts;
- 3) subordination of state support to the concept of state regulation.

Of course, despite all the variety of contractual methods of state support for agriculture, there are varieties that do not require contractual design. For example, financial support (payments of subsidies, compensations, subsidies), fiscal support (tax benefits), customs support, etc. Such support is provided either by direct instruction of the law or in accordance with departmental individual acts (for example, an order of the Ministry of Agrarian Policy, which lists specific economic entities, the number of cows they keep, and the amount of accrued subsidy). Currently, the system of state support for agriculture in Ukraine operates more through non-contractual methods of support, while contractual methods of support are not properly developed, and their significant potential is not fully used.

The concept of agricultural activity is also an important term that is part of the basic concepts of agricultural law and legislation. As noted in the literature, the characteristics of agricultural activity have both theoretical and practical significance. First, in order to distinguish agricultural law from other industries. Secondly, to address issues related to the provision of tax,

financial, credit, social benefits to agricultural producers, ie it is important for state support of agriculture. M.M Chabanenko came to the conclusion that there are two approaches to defining the category of "agricultural activity" [3, p.298]. However, we tend to believe that scientific approaches to understanding the concept of agricultural activity have become more. As a result of the study, we identify the following approaches:

1) Production. M. M Chabanenko calls it a narrow approach, according to which the concept of agricultural activity is limited to the activities of agricultural enterprises, associations and citizens engaged in land cultivation, production of crop and livestock products. For example, O. V Gafurova and A. M Aparov are inclined to such an understanding of agricultural activity, first of all as agricultural production;

2) Three-stage. According to this approach, agricultural activity also extends to the processing of agricultural products and their sale. A broad understanding of agricultural activity is the most popular in domestic legal science, and is also used in the agricultural law of other countries.

Today the category "agrosphere" is becoming one of the novelties of agrarian law. It is seen that the agrosphere is a complex agrarian-legal category, which underlies the subject of agrarian law and includes the following elements: a) objects of agrarian relations; b) a certain range of their subjects; c) the sphere of realization of agrarian rights and obligations, and, consequently, the emergence, change and termination of agrarian legal relations - rural areas, agricultural production, etc. OV Gafurova concludes that the agrosphere combines environmental, social and production aspects [1, p.59]. And the first two should determine the conditions, directions and volumes of agricultural production. Thus, the introduction of the concept of "agrosphere" in the science of agrarian law, according to the scientist, should contribute to its further greening, increasing the role of environmental requirements in the development of rural areas. The introduction of the legal category of the agrosphere is an important milestone in science, as it emphasizes the inseparable unity of all components of agricultural relations.

In recent times, along with traditional concepts in practical use, the concept of agribusiness is quite common. This term is not used in legislation (except for some policy documents), and therefore its definition and legal boundaries are rather vague. Science is already responding to the needs of practice and is beginning not only to introduce the concept of agribusiness into scientific circulation, but also to analyze it as a new legal category. Thus, GS Kornienko proposes to understand agribusiness as regulated by agricultural legislation agricultural activities for the production, processing, storage, transportation and sale of agricultural products and raw materials, logistics of agricultural

producers for profit [2, p.137]. In our opinion, such an understanding is broad. The fact is that since business is understood primarily as a business activity, agribusiness can be paraphrased as "agricultural commercial activity".

In my opinion, the use of contractual methods of state support of agriculture is very promising.

First, if the legal regulation is balanced, the use of contractual methods of state support will be much less burden on the state budget.

Second, the use of contractual methods of state support is less dependent on the filling of the treasury and the amount of funds that can be allocated to support agriculture. Contractual state support will fit into the market system as organically as possible in its form and content. In essence, contractual support aims to equalize the more vulnerable legal position of the party to the contract representing the agricultural entity. Third, it leads to the formation of special institutions that will

perform agricultural functions and operate on a permanent basis. This in turn increases the efficiency and availability of such support and translates it into the sphere of economic relations.

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### LAND DISPUTES: THE PRACTICE OF THE SUPREME COURT IN ECONOMIC JURISDICTION

#### Abstract

*The article deals with the problems of modern legal science, namely the economic and legal principles of judicial protection of property rights and land use rights.*

*The author analyzes the current land legislation and case law of the Commercial Court of Cassation of the Supreme Court, the Grand Chamber of the Supreme Court on certain categories of land cases, including the resolution of jurisdictional problems in land disputes.*

*The article provides proposals for amendments to the economic procedural legislation in order to resolve jurisdictional conflicts that arise when considering land disputes.*

**Key words:** *land dispute, economic jurisdiction, land dispute resolution, legal position, land plot, lease, property*

**Problem statement.** According to the case law, land disputes are common types of disputes in commercial jurisdiction. And the problem of delimitation of jurisdiction of disputes in the field of land relations is one of the most relevant in judicial practice. Such a jurisdictional problem is related to the wide range of land relations and the wide variety of land disputes that may arise from these relations.

Therefore, in order to create a stable system of judicial regulation of land relations, it is necessary to deepen the legal positions of the courts of cassation on controversial issues that arise in this area.

Along with this, the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Concerning the Circulation of Agricultural Land" 2552-IX from July 1, 2021 introduces the land market in Ukraine. Undoubtedly, the introduction of the land market from July 1, 2021 will be the basis for increasing the number of land disputes, and therefore the study of the article becomes especially relevant.

**Analysis of recent research and publications.** The issue of protection of land rights was considered by scholars and practitioners: V. Averyanov, O. Andriyko,

D. Bakhrakh, O. Nedbaylo, V. Kurilo, A. Selivanov and others. At the same time, the case law in resolving land disputes in commercial jurisdiction has been studied insufficiently.

**The aims of the article.** The purpose of the article is to study land disputes that arise in commercial jurisdiction and analyze the legal positions of the Commercial Court of Cassation and the Supreme Court's Grand Chamber on land disputes to identify key positions formulated during the relevant category of cases.

**Main results.** The current legislation of Ukraine, in particular the Civil Code of Ukraine [1] and the Land Code of Ukraine [2] define the grounds for protection of the violated right to land.

Part 1 of Article 16 of the Civil Code of Ukraine stipulates that every person has the right to go to court to protect their personal non-property or property rights and interests [1, Art. 16].

According to paragraph 10 of part 2 of Article 16 of the Civil Code of Ukraine one of the ways to protect civil rights and interests is to declare illegal decisions,