

### LAND MANAGEMENT AS THE MAIN PREREQUISITE FOR ENSURING THE RATIONAL USE OF LAND IN THE CONTEXT OF AGRITOURISM DEVELOPMENT

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The experience of the history of Ukraine and many countries around the world shows that reforms related to private land ownership have become an economic lever that can force the effective operation of economic mechanisms at all stages of development of productive forces. However, the transformation is complicated by many factors, including - weak methodological preparation for reform, different approaches to its implementation, lack of clear legal framework, etc. The answer to some of these questions gives a historical overview of land relations reforms in Ukraine in pre-revolutionary Russia (1861), half a century later Stolypin, and later - in Soviet and post-Soviet Ukraine.

History teaches that the core of the famous agrarian reforms was land reform, with its simple and understandable essence: such a change of ownership of land, which fell into the hands of those who can effectively cultivate it and care for its preservation. This principle has become decisive in our conditions. Any deviation from it makes land reform pointless, unnecessary and harmful, because the despair of the peasants that it is carried out in their interests. Therefore, the development of land aspects should be particularly careful and mandatory, taking into account the historical development of individual territories and regions. Restoration of private land ownership puts land management on a higher level. Land surveying is an unconditional and necessary act at all stages of human development. Only in the initial epoch of human settlement in any territory did every farmer have the opportunity to occupy such a space of land that he could cultivate on his own.

Land surveyors of that time had to be well-versed, able to count, navigate the prince's laws and have the simplest methods of measurement.

The law did not prevent the choice of forms and order of peasant land use: individual, sowing or farm had equal rights to exist. Exit from the community was allowed with full redistribution and deployment and was not restricted by anything. Land management work was carried out at the expense of the population.

The first all-Union codified land act (General Principles of Land Use and Land Management), consisting of 13 chapters and 63 articles, was adopted on December 15, 1928. With its adoption de jure, only state ownership of land was secured. In the following years, land legislation was developed taking into account this situation. Land funds of all union republics were transformed into the land fund of the USSR, which became the sole subject of state ownership of land.

The only legal basis for land use was the right to use the land. A further direction in the development of union and republican land legislation was the improvement of the main land law institutions formed as a result of nationalization

of land: the rights of exclusively state property, land use rights and its varieties, the legal regime of various categories of land and others.

The result of constant changes in the nature of land relations, which took place in the period from 1917 to 1928, was the intensification of codification work aimed at streamlining and systematizing the relevant rules of law. This contributed to the formation of land law as an independent industry. With the adoption of the first codified acts, the basic principles of formation of domestic land legislation were laid down, and a significant part of normative acts was systematized.

During the period of general collectivization and the implementation of the policy of extermination of the kulaks as a class, the situation regarding the lease of land and the use of hired labor was abolished.

Further development of land legislation was with the adoption on December 13, 1968 of the Fundamentals of Land Legislation of the Union and the Union Republics. They consisted of a preamble, 11 chapters and 50 articles. The Fundamentals more clearly enshrined the division of land into categories provided for in the Basic Principles of Land Use and Land Management of 1928, confirmed the ban on land lease, introduced in 1930, and settled the introduction of the state land cadastre.

Provisions related to temporary and secondary land use, land protection, a new procedure for liability for land offenses, as well as the principle of free land use and priority use of agricultural land were also established. On the basis of the Fundamentals in 1970, a new Civil Code of the Ukrainian SSR was adopted, which almost completely reflected their provisions. It consisted of 173 articles, grouped into 28 sections and 11 sections.

As the population increases, this land space disappears, there is a need to separate one plot of land from another. This demarcation is carried out initially with the consent and efforts of those landowners who are interested in it, but the state, represented by the authorities, quickly takes under its protection the establishment of boundaries and assigns responsibility for their violation. It is always in the interest of the state authorities to delimit land holdings in a certain order, so that each land holding has information on the size, composition of land and its quality. Therefore, it takes under its protection the already established boundaries between individual land plots and, when necessary, their restoration, organization of social, economically and environmentally efficient land use.

Since the proclamation of land reform in independent Ukraine (Resolution of the Verkhovna Rada of Ukraine of December 18, 1990), the issue of reforming land relations has not been the subject of debate. This attitude to this issue in both society and scientists is natural, as land relations in connection with their reform violate important aspects of economic and household structure of the Ukrainian people. They are aimed at a radical change in the way of life of the village.

With the adoption of the Constitution of Ukraine (June 28, 1996) and the new version of the Land Code of Ukraine (October 25, 2001), land is an object of private, state and communal property. Thus, Ukraine has finally consolidated the transition to a variety of forms of ownership and guarantees of their protection by the state.

Ukraine has now formed new land relations, according to which the implementation of land management creates a market-oriented land system of the country and territories of administrative units, the state land cadastre, which contains basic information about a land

Land management - a set of socio-economic and environmental measures aimed at regulating land relations and rational organization of the territory of administrative-territorial units, economic entities, carried out under the influence of social and industrial relations and the development of productive forces [1].

The land management project is the basis for legal registration and further transfer to nature of the relevant land management decision.

And it does not matter what category of land will be used, each land plot must have its own boundaries and drawn up, in accordance with the requirements and approved, land management project.

Ukraine has a high tourist and recreational potential. Its territory includes unique natural and recreational resources, objects of national and world cultural and historical heritage, where important economic, cultural and social events take place.

Many regions offer a wide range of potentially attractive tourist facilities and complexes, which are very popular with domestic and foreign tourists.

Thus, green rural tourism is a form of tourism that takes place in rural areas and which involves the study of local tourist resources, participation of tourists in various traditional activities, and includes accommodation and organized meals for tourists in specific tourist structures: tourist boarding houses; agritourism boarding houses; peasant farms, etc. [2].

The urgency of the development of rural green tourism in Ukraine is due to the urgent need to urgently address the socio-economic problems of the modern village. At this stage of development of the economy and culture of Ukraine, the government declares tourism one of the priority and promising areas. The current standards of the tourism industry in the country may well create favorable conditions for the development and functioning of an efficient, civilized tourism market with reliable and diverse tourism services [3].

We will conduct further research on the example of a single plot of land. Thus, the land plot is located in Bohodukhiv district of Kharkiv region. This area is located with. Snowballs, on the street. Cap at the end of the household № 17.

A survey of the land plot was conducted for restrictions (encumbrances), which also affects the use of the land plot in accordance with the Land Code and the Resolution of the Cabinet of Ministers of Ukraine №1051 of October 17, 2012.

At the time of drafting:

Chamber works. At the preparatory stage for the preparation of the land management project for the allocation of land, the collection, generalization, systematization and analysis of source information was carried out.

Processing (scanning and binding) of planning and cartographic materials was carried out and a single field of cartographic information was created on the basis of existing materials of various scales for further work, as well as processing of field measurement materials.

Design solution. In accordance with the provisions of Article 50 of the Law of Ukraine "On Land Management" land management project for the allocation of land (hereinafter the Project) is made in case of change of purpose of land or formation of new land, in particular in case of free ownership or use from lands of state or communal property.

Obtaining permission to develop the Project

In order to obtain permission to develop the Project, it is necessary to apply to the relevant executive body or local government, which transfers land of state or communal ownership in accordance with the powers specified in Article 122 of the Land Code of Ukraine [4].

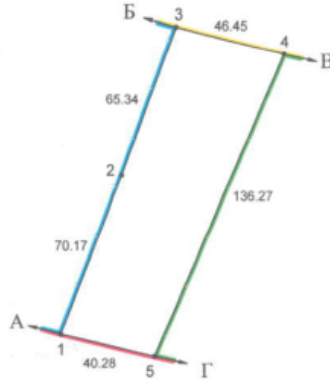
The application shall indicate the purpose of the land plot and its approximate size. In our case:

- the land plot is allocated at the expense of the category of agricultural land;
- form of ownership - communal;
- purpose - reserve lands (land plot of each category of lands that are not provided for ownership or use by citizens or legal entities)
- type of land - arable land (001.01)

Graphic materials are attached to the application (Fig. 1).

In case of obtaining the above-mentioned permit at the expense of state-owned agricultural lands, it is necessary to apply to the Main Department of the State Geocadastré in Kharkiv region through the territorial bodies of the State Geocadastré on the ground at the location of the land.

The relevant executive body or local government body that transfers land plots of state or communal ownership in accordance with the powers specified in Article 122 of the Land Code shall consider the application within one month and give permission to develop a land management project for allotment of land or provide a reasoned refusal. its provision.



*Fig. Scheme of land*

## Development and approval of the Project

The project is developed at the request of citizens by economic entities that are executors of land management works in accordance with the Law of Ukraine "On Land Management", which have the appropriate certificates, within the time limits stipulated by agreement of the parties.

The project is approved in accordance with Article 1861 of the Land Code of Ukraine, in particular subject to approval by the territorial body of the State Geocadastré at the location of the land and bodies implementing state policy in the field of cultural heritage, forestry, water management, environmental protection, environmental protection, the city architecture, in the cases provided for in this article.

## State registration of land

State registration of land is carried out at their location by the relevant State Cadastral Registrar of the central executive body implementing state policy in the field of land relations, at the request of a person who by decision of the executive body, local government granted permission to develop land management is the basis for the formation of land in the transfer of ownership or use of land of state or communal ownership, or a person authorized by him.

To confirm the state registration of the land plot, the applicant is issued an extract from the State Land Cadastre on the land plot free of charge, which will be the basis for the registration of the relevant right to the land plot in the future.

When carrying out the state registration of a land plot, it is assigned a cadastral number.

For state registration of land, the owner (user) or his representative submits the following documents to the state cadastral registrar:

- standard application;
- agreed and approved land management project for the allocation of land;
- special electronic exchange file (XML file).

Project approval

The relevant executive body or local self-government body that transfers state or communal land to ownership or use in accordance with the powers specified in Article 122 of the Code shall, within two weeks from the date of receipt of the agreed land management project. its ownership or use.

The decision to approve the Project is at the same time a decision to transfer the said land plot into ownership or use.

The refusal of an executive body or a local self-government body to transfer a land plot to ownership or to give it for use or to leave the application without consideration may be appealed in court.

The state registration of real rights to land plots is carried out after the state registration of land plots in the State Land Cadastre.

The state registration of rights by making entries in the State Register of Real Property Rights is carried out by the state registration body and the notary as a special entity entrusted with the functions of the state registrar of real estate rights.

To obtain a certificate (extract) of ownership (use) of land, you must contact the registration service at the location of the land.

According to Article 125 of the Land Code of Ukraine, the right of ownership of land, as well as the right of permanent use and the right to lease land arise from the moment of state registration of these rights.

In the future, a plot of land located in the village. Snizhki, Bohodukhiv district, Kharkiv region, will be the object of personal farming.

The legal basis for the establishment and operation of personal farms in Ukraine is the Law of Ukraine "On Personal Peasants" of May 15, 2003, according to which personal farms (hereinafter - OSG) - is an economic activity carried out without the creation of a legal entity by an individual individually or by persons who are in a family or family relationship and live together, in order to meet personal needs through the production, processing and consumption of agricultural products, the sale of its surplus and the provision of services using the property of personal farms [5].

One of the activities that is becoming more widespread is the provision of services in the field of green rural tourism by residents of villages and settlements. Unfortunately, in Ukraine there is still no separate special legislative document regulating the organization of green rural tourism. There is only the Resolution of

the Verkhovna Rada of Ukraine "On Adoption of the Draft Law of Ukraine on Rural and Rural Green Tourism" of November 16, 2004 № 2179, as well as the order of the Cabinet of Ministers of Ukraine of July 3, 2006 № 373-r, which approved the Plan measures for state support of rural tourism development [6]. Measures of state support for the development of agritourism are aimed at improving the economic conditions of its development, infrastructure development, marketing and the formation of human resources to ensure the development of agritourism.

Based on the world practice of green rural tourism, there is agritourism and leisure tourism. Agritourism is a type of rural green tourism, both cognitive and recreational, associated with the use of subsidiary farms or lands of agricultural enterprises that are temporarily not used in agriculture. This species may not have restrictions on the load on the territory and the regulation of recreational activities [7].

During the 30 years of the twentieth century in terms of sustainable development, changing the social paradigm creates new opportunities for positioning Kharkiv region as a tourist, territorially attractive region, ensuring the use of proportional resources to form a positive image of regional territories, increase their competitiveness in the tourism market and diversification. economy.

The functioning of agritourism promotes the creation of additional jobs, production of local goods and products, development of local culture, provides the population with the necessary information about sustainable development and lifestyle in harmony with nature, promotes the expansion and protection of forests, ensures the preservation of mountain ecosystems and sustainable use coastal and marine ecosystems, creates new ecological networks. All this indicates the prospects for the development of agritourism.

Substantiation of the development of ecological tourism as a promising direction to increase the attractiveness of agritourism areas and self-employment in terms of sustainable development.

Modern scientific research shows that the accelerated development of agritourism can play a role in catalyzing the restructuring of the economy of the regions, ensure demographic stability and solve socio-economic problems of the regions.

Professional activity, provided that such a person is not an employee within the scope of such entrepreneurial or independent professional activity.

Regarding the definition of agritourism areas, there are many opinions of scholars, including Kiper T., Özdemir G., Sağlam C. interpret the tourist area as an area with certain attractive facilities for tourists, provided with tourist infrastructure and tourism organization system [8]. . In turn, Bansal S., Kumar J. in their works consider the definition of "tourist area" as a geographically defined place of concentration of the most valuable tourist resources, as well as objects of tourist interest that stand out among the tourist region, indicating cadastres and other types documentation and the introduction of a regime of priority targeted operation and development of tourism within it.

Thus, we will form the definition of "agritourism" as a place of natural centers that preserve the environment, which provides travel of socially responsible tourists

to obtain moral and ethical, cultural, health recreation, which provides useful active socio-economic participation of local residents.

Since the 1970s, a new type of tourism, often referred to as "agritourism", has appeared in European brochures of specialized tour operators. Upholding the principle of environmentally friendly, ethically correct and fair practices, this new type of tourism was aimed at maximizing the use of local resources and creating space for interaction between tourists and "indigenous peoples". Representing a new approach to tourism resource management, this approach has not always achieved its goals. Agritourism, aimed primarily at the middle and upper classes, has been sharply criticized for making altruism and environmental commitments part of its then-very hedonistic product. In addition, many studies have demonstrated the environmental and economic damage caused to communities and the environment by the mass organization of so-called agritourism. Development and activities in the field of tourism, such as travel, resort development, construction and use of related infrastructure, create a wide range of environmental and environmental consequences. Expected economic benefits from tourism can contribute to poorly planned infrastructure, especially for developing countries with relatively weak legislative and executive powers. Moreover, ill-informed tourists can damage fragile regional ecosystems [9].

Agritourism has become the most widespread and recognized in the XXI century, as the unfavorable environmental situation in relation to the environment is becoming increasingly important. Caring for nature and the environment is one of the attractive elements of tourism. Ecological events and tours are being held more and more often. Ecology and tourism are interconnected and interdependent. In international practice, there is such a thing as a "blue flag", which is assigned to environmentally friendly areas. Naturally, tourists prefer to rest in these places, where nothing threatens their health.

In modern realities, all regions of Ukraine and a large part of the united territorial communities have already approved their development strategies until 2027, which traces the priorities of tourism and culture, especially cultural and creative industries as important economic factors of territorial development. Favorable climate and clean environment, convenient geographical location, transport accessibility and level of service continue to play an important role in the tourist attractiveness of the area, but the "culture" of the area is an additional attraction that plays an important role even for those tourists who do not prioritize cultural heritage.

The results of socio-economic analysis show that in Kharkiv region there are problems related to the development of tourism, which can not be solved only by territorial or sectoral management, this requires regional program support and an integrated approach, coordination with other sectoral local governments. executive bodies, local self-government bodies and intersectoral coordination.

Achieving tactical goals will be ensured through the formation of unique and diverse tourism products in the region, promoting them in domestic and international markets through advertising and information campaigns, creating tourism clusters



and tourism infrastructure that would meet modern standards. As a result, we will get: increase the share of science-intensive and innovative products in the gross regional product of the region, respectively, the creation of new "quality" jobs, improving the activities of organizations and institutions of scientific and applied orientation; increasing the efficiency and productivity of agricultural production; changing the share of small and medium enterprises in the structure of the economy of the region and peripheral areas; changing the structure of employment and unemployment, including the level of employment and employment of women; creation of a tourist-attractive image of Kharkiv region for the local population, citizens of Ukraine and foreign citizens.

The development of agritourism as a promising vector to increase the attractiveness of regional territories and self-employment of the region will reduce the dependence of administrative-territorial units on the economic condition of large city-forming enterprises and asymmetry in development between regions.

The spread of agritourism in the regions causes many changes in various areas, in particular, changes in land use, the functioning of infrastructure, the structure of employment. Such changes are related to the flow of capital from urban to rural areas. Urbanization processes have different directions, which are interconnected and interdependent, namely: economic, spatial, demographic, cultural. Tourist urbanization often covers attractive natural areas and takes place in different ways in different areas, depending on the intensity of tourist flows. Tourist and recreational factors are most important for the formation of tourist flows, because they create their uniqueness and attractiveness to tourists. Therefore, the influx of tourists to a particular tourist region increases with more natural and recreational facilities. Poor environmental conditions, poor publicity and political instability in the region can negatively affect the arrival of tourists, despite the availability of recreational resources. There is a list of factors, the most important of which are the availability of various natural recreational resources, temperate climates, relatively clean environment, rich historical and cultural resources, the availability of appropriate infrastructure, excess human resources [10].

According to the results of statistical data, we can say that in 2019 the market of domestic tourists increased by 147.8%, and the market of outbound tourists traveling abroad by 175% compared to 2014. Unfortunately, statistics on the tourist flow for 2020 have not yet been presented, but given the COVID-19 pandemic, we assume that the number of domestic tourists has increased significantly due to the closure of most airspace between Ukraine, Europe and other countries. for cordon [11].

One of the main tasks of increasing the tourist attractiveness of the territory should be to create its own unique image. Each region should have unique tourist resources, which can later become its business card. It is important to choose the right most attractive aspects of the region, which will make it unique among all others [12].

Since the Kharkiv region has a large number of historical and cultural monuments, we must also take into account the extent of their impact on the tourist attractiveness of the region and economic efficiency, as for tourists, when planning

their vacation, the presence or absence of such attractions may be a determining motive. when deciding on the place where the tourist product will be consumed.

Tourism can be a lucrative activity and promote self-employment based on (previously largely unused) resources of nature and culture, although some tourism infrastructure requires government subsidies and interventions. However, there are low barriers to entry into the tourism industry from the private sector, through local firms or through domestic investment, which allow many individuals and groups to participate in the collaboration of agritourism facilities and entities. In parallel with these general improvements in the social structure and social life have generated demand for more active recreation in general and for a diverse set of tourist "products" in particular [13]. Many countries facing poverty and debt have turned to tourism as a means of attracting foreign investment and exchange. On the positive side, tourism offers more sustainable means of development, but for many countries with limited resources and an unsatisfactory environment, heritage and nature are probably all that remains for development. However, without public or private sector investment, tourism development is largely determined by external investors from the developed world who seek to enjoy a favorable financial climate and a generally weak regulatory framework for the environmental and social impacts of tourism.

The following tasks can be performed to conduct economic assessment and regulate the tourist attractiveness of the territories:

- preserve, restore and maintain in an attractive way the natural resources and historical and cultural monuments of the country as the main attraction for tourists;
- qualitatively develop tourist infrastructure;
- stimulate the development of tourism-related sectors of the region's economy, including in the field of tourist animation, which will ultimately lead to the development of tourist infrastructure;
- improve the quality of the environment within tourist areas;
- to inform about tourist regions in good faith and in a timely manner;
- to hold promotional events, using scientific achievements in regional marketing;
- create training centers for training, retraining and advanced training of tourism personnel, including foreign internships;
- provide adequate financial support for the maintenance of tourist infrastructure by the united territorial communities;
- maintain the economic and political image of the tourist region.

In our opinion, these tasks will contribute to the effective functioning of agritourism infrastructure at the regional level. Particularly favorable conditions for the development of agritourism are created in the territories of national and landscape parks of the region.

Increasing the level of self-employment is one of the priority tasks facing the Kharkiv region, because its achievement will enable the implementation of a range of sustainable development tasks.

The functioning of agritourism implies that locals not only work as service personnel, but continue to live in the protected area, without changing the former

way of life, continue to engage in traditional farms that provide economical use of nature. This brings a certain income to the population, contributes to its socio-economic development

Economic growth at the local level is the most complex object of state regional policy, which requires consideration of sectoral and territorial structures of the local economy, determining the specifics of local conditions of capital accumulation, the functioning of the local labor market, employment and staffing. The local specifics of price and market fluctuations, the study of the peculiarities of the competitive environment, investment and innovation processes, the specifics of the formation of regional, interregional, foreign economic relations need constant attention. The differences in local economic development inherent in the Kharkiv region (including the division of the territory into cities - the leaders of the region, backward (depressed), peripheral) can be leveled by forming stable socio-economic ties arising from regional and interregional division of labor, coordination of many hierarchical economic interests of individual territorial communities (city, village, settlement), coordination of interests of the region and the country as a whole. At the heart of the coordination of interests - stimulating economic growth at the local level, increasing human well-being regardless of place of residence.

The main direction of solving systemic problems in the agritourism industry is strategically oriented state policy, the main task of which is to create a competitive national tourism product and ensure efficient and integrated use of existing tourism and resort and recreational potential. For the Kharkiv region, one of the promising types of development of the tourism industry is agritourism. Its further development requires the implementation of the following ways:

- development of small and medium business;
- arrangement of appropriate tourist routes and objects of visits, with the help of digital technologies;
- integration of cultural heritage sites and territories in which they are located in the international, national and regional cultural and agritourism route;
- ensuring the accessibility of agritourism infrastructure facilities for people with disabilities and other less mobile groups;
- formation and implementation of competitive integrated regional agritourism products that will increase the demand for tourism services;
- holding agritourism festivals in the regions and territories of the united territorial communities;
- preservation of industrial, historical and cultural heritage in rural areas;
- involvement of local producers of local products in the development of gastronomic tourism.

Prospects for further research are to analyze the self-employment of the population, which are able to provide entrepreneurial movement in agritourism areas of the region.

At a distance of 25 km, there is the village of Skovorodynivka, which has historical and cultural significance which can also attract tourists who appreciate and

admire literature and history. This will encourage tourists to be more enthusiastic and enthusiastic about agritourism.

The land plot in the village of Snizhky, Bohodukhiv district, Kharkiv region, which was previously investigated, can be proposed to be used as an object of agritourism. Growing niche crops such as sorghum, chickpeas, lentils and peanuts. These cultures are not widespread enough among consumers and therefore their promotion in the market will contribute to greater awareness of tourists. You can also offer tastings of various dishes that can be prepared from these cultures and, consequently, in parallel to develop gastronomic tourism. This approach can be applied to growing vegetables, fruits and berries. Of great interest is the cultivation of medicinal plants, which will provide more information about the crops that grow in the area. To produce from these crops medicines that will promote a person's health and maintain his life balance. Moreover, any willing tourist can take an active part in all processes from growing crops to their final consumption.

The favorable location of the land also allows to visit other objects of historical and cultural heritage in addition to agritourism. For example, the Shariv Palace, built in the neo-Gothic style, which is called the "Shariv Pearl". Also, everyone can visit the museum complex of the Ukrainian philosopher GS Skovoroda. Nearby, in the village. Krasny Kut is a dendrological park, which was founded by the Karazin brothers.

Thus, rational use of land, and in our case, land as an object of agritourism, can not only be profitable but also to promote the development of other types of tourism and do it with pleasure. The closeness of man with nature, communication with tourists who want to learn, positive emotions increase the level of interest in doing your favorite thing.

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