



Annali d'Italia
Scientific Journal of Italy



ANNALI D'ITALIA
SCIENTIFIC JOURNAL OF ITALY



№14 2020

Annali d'Italia

VOL. 2

ISSN 3572-2436

Annali d'Italia (Italy's scientific journal) is a peer-reviewed European journal covering top themes and problems in various fields of science.

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PRINCIPLES OF INSTITUTIONALIZATION OF TRANSFORMATION OF LAND RELATIONS

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Abstract

Our research contains major institutional problems that affect to the level of economic development. The formation and development real "market" of agricultural land has become a challenge for the country and immediate need a solution. There are internal and external factors which can explain some aspects of Ukraine development: the development of the international division of labor, globalization of economic processes, gain competitive principles in foreign economic relations, especially in the new requirements facing the agricultural sector due to the accession of Ukraine WTO.

The purpose of the paper is the disclosure of theoretical and methodological foundations for the definition of the essence, role and place of the category of «institutional land market» in the functioning of the market mechanism with the presentation of the methodological basis for the identification of this concept in the constitution of scientific discourse as well as the definition of the principles of the formation of institutional security of agrarian enterprises in the conditions of market transformations.

Using the database «World Value Survey data base» we have analyzed that the major institutional is the system of property rights. First, we will list the main institutional components that are necessary for the normal functioning of the land market. Taking advantage of the European experience, we select the groups of factors and their components. The evaluation of such factors is not only possible in terms of «digital» analysis and this is understandable. We will try to analyze these components differently. We will define and make the rating positions for the merits of development in comparison with other countries on the principle of complex analysis of sample observations. To do this, we will use open static databases as well as partially compiled rating assessments in open-source information sources.

Keywords: transformation of land relations, institutionalism, institutional approach, institutional transformations, rating analysis, land market.

Formulation of the problem. Without the creation and implementation of really effective mechanisms for the efficient use of land resources, it is extremely difficult to imagine the further development of Ukraine's economy and agricultural production, in particular. In today's conditions, efficient agricultural production is impossible without broad investment, long-term investment and a sound policy of introducing innovative and high-tech production methods, and investment attractiveness is determined primarily by a number of institutional rules. Lack of proper investment in innovative development is a key problem in the transformation of our economy. In turn, the inflow of investments directly depends on the effective observance of property rights, as one of the key institutional factors, as well as on the efficient land market. In market conditions (unlike the so-called "planned economy") it is impossible to achieve efficient use of land resources without the circulation of agricultural land. The lack of a real mechanism for regulating land turnover creates an illegal or semi-legal sector in the field of land resources and this makes it impossible to further develop the production sector in agriculture, as well as has negative consequences for the overall development of rural areas as a whole. Defining the main aspects of the transformation of land relations in the key of institutional theory - the main way to achieve economic development and the formation of an efficient land market. Another important factor is the need to implement transformations intra forces without depending on the "pressure" of international organizations, including the IMF.

Thus, the research problem formulated by us is an attempt to identify key institutional factors in the transformation of land relations and their role and significance for the formation of an open market for agricultural land.

Analysis of recent research and publications. The basic foundations of institutional theory have been developed by leading scholars such as Thorstein Veblen [1], Douglas North [4], John Galbraith, and Ronald Coase. Among the domestic economists who studied the impact of institutional theory on market mechanisms and the transformation of land relations should be noted the works of L. Kazmir [3], O. Krysalny, O. Zagursky, M. Lendel [5], O. Prutskaya [10], O. Skorupska. The works of V. Andriyuk, Y. Bilyk, P. Sabluk, T. Salnikova, A. Tretyak, V. Yurchyshyn and others are devoted to the formation of the land market. G. Kaletnik [2], G. Shpykulyak [2], D. Dobryak paid attention to the study of the problem of development and improvement of the agricultural land market. It should be noted that in the works of the above scientists there is no single view on the issue. Sometimes we even encounter a polar difference of opinion. Such diversity in coverage and issues necessitates the need for further research and research, which determines the relevance of the study.

Institutional changes, as an important aspect of modern socio-economic transformations on our soil, were studied by V. Bazylevych, G. Vatamanyuk, V. Geets, V. Golikov, O. Radchenko, A. G. Ritsenko, P. Kleiner, V. Lisovytsky, I. Malyi, O. Olejnik. Their works emphasized that the

successful solution of the problems of systemic transformation of land relations is impossible without appropriate theoretical support, which should not be limited to analysis and generalization of experience of market transformations in other countries, as well as issues of land use and protection in new economic conditions.

The works of domestic economists raised issues related to institutional changes in land management, insufficient research on the application of institutional theories on current issues of transformation of relations in the system of agricultural land ownership, which in our opinion is one of the key factors in investment. In our opinion, it is worth trying to systematize and generalize the key theoretical and methodological provisions of institutionalism as a very powerful and promising scientific field and highlight those of its features that can theoretically play a significant role in further development of the theory of creation, implementation and further regulation of land market and transformation. land relations in Ukraine by civilization.

The purpose of the work is to identify the main institutional factors in the process of formation of the land market, as a very important part of the agricultural sector, and probably the budget-generating industry in the near future; identification of opportunities to increase the efficiency of agricultural production in the transformation of the land market; developing theoretical concepts and defining the role of the state and local governments (according to the accepted concept of decentralization) in relation to improving the policy in the field of ownership of agricultural land resources.

The following tasks are set in the article:

- conduct analytical studies conflicting issues that occur in the course of formation of the land market in the agricultural sector, showing their solutions in the interest of the whole society;
- identify the institutional restrictions that exist in the country in relation to the rights to own, use, dispose of land resources;
- comparative rating method to assess extent to institutional factors identified in this and that meet the opportunities and open land market in Ukraine now and explore whether it is possible to lift the moratorium on selling agricultural land in Ukraine soon.

Methods: in the study of economic phenomena and processes we used collectively spine of general and special methods. The dialectical method of cognition and its use for the agricultural sector of the economy is used. In determining the nature and features of institutional factors in the transformation of land rela-

tions, the method of analysis was used; the rating structure of compliance of institutional indicators was investigated and determined by the method of comparison. The method of comparison of rating indicators for the aggregate assessment of institutional categories is applied, and also the basic elements of the index method are applied.

Presenting main material. The essence of the process of transformation of land relations in Ukraine provides a scientific justification of the mechanisms of their development, which is determined and specified by a set of methods and tools for measures aimed at forming an efficient land market, rational land use and protection of natural resources of Ukraine. Thus, the perfection of land relations is the coherence between the most important components of the mechanism of their development, taking into account the factors of balance at the state, region and local government in accordance with the accepted basic principles of sustainable development and the concept of decentralization. This, in turn, requires further improvement of legislative, social, economic and environmental factors in the formation of these relations, which will allow our descendants to continue to effectively and fully use Ukrainian lands - a natural resource that is a unique component of the country's resource potential.

The main principles and goals of transformations in the agricultural sector are defined by G.M. Kaletnik and remain relevant: The organization of land use potential of the country needs not just the improvement of the "pre-reform" land management system, but its radical modernization [2] taking into account specific natural, economic and social conditions in accordance with the objectively existing laws of development of economic systems and the interaction of nature and society [3, p. 25].

It is necessary to determine the role and importance of institutional tools that are important for the management system. The main task of the established institutional instruments is to consolidate property rights to land resources by effective owners, ensuring their optimal use, protection and reproduction. The separation of powers between public authorities and local self-government, in particular with regard to land management and control functions, can and should be provided by institutional instruments, as the use of rigid administrative instruments in this area usually does not lead to effective capacity building in agriculture.

It is clear that the effective functioning of the land management system can be said only if it is properly provided (Table 1).

Table 1

The main types of land management system

Types of security	Main tasks (content)
Scientific and methodological	Development of theoretical foundations and methods of land use management. Development and experimental testing of relevant guidelines for management and design bodies (organizations).
Regulatory rights	Formation of the legal field of land policy. Development and adoption of relevant regulations.
Organizational and economic	Economic evaluation, registration and accounting of lands. Forecasting and planning of land use and protection; development of appropriate land management documentation. Improving the organizational and economic mechanism of land use rationalization. Coordination of land management, urban planning, agro-technical, agro-ameliorative and other bodies and services at different territorial levels.
Information and technical	Conducting topographic and geodetic, soil, geobotanical and other surveys and explorations. Inventory of lands, assessment of their quality. Certification of land plots. Mapping of land resources. Adaptation of IT tools to management needs
Staff	Training, retraining, advanced training and certification of specialists. Licensing of land management activities.

* Source - for [3].

Setting a task that would solve the problem of effective organization of the land market, necessitates a comprehensive, interdisciplinary in content, research that would precede the adoption of appropriate management and design decisions. Therefore, in the transformation of the market economy in Ukraine and the formation in the future of a market system of land management, the formation of a clear system of theoretical and methodological foundations of land management should be interpreted as one of the priorities of economics and related legal and land sciences. After all, the term "land management science" is traditionally understood as a system of scientific disciplines and areas that study the patterns of manifestation of various aspects of land management (in a broad sense, i.e., as a socio-economic phenomenon) in their relationship and development. Under the "legal" components should outline the systems of property rights, mechanisms for their provision, public confidence in them, which are the main "institutional" factors in this direction [3].

In modern domestic literature there are still not only different interpretations of the main tasks and mechanisms of rational use of land and land, but still not unified content of key concepts and terms of the theory of land management in the new socio-economic conditions. It will be recalled that the guidelines of the United Nations Economic Commission for Europe propose to interpret land management as a process that allows efficient use of land resources and information about them. However, a critical analysis of the creative work of representatives of different areas of institutionalism suggests that the methodological principles of these areas, as a rule, still complement each other (assigning institutions the role of determinants of human behavior). We consider it quite possible and logical not to single out separate theories of institutionalism as a representative scientific direction, ie not to divide it into separate components, but to use the concept of "institutionalism" (and its derivatives) as a generalizing

term [3]. Nobel Prizes in the works of the most prominent representatives of institutionalism - G. Myrdal and F. von Gaek (1974), J. Buchanan (1986), R. Coase (1991), D. North and R. Vogel 1993), and most recently - Oliver Garth (2016 for his contribution to "contract theory", which is an essential component of institutional economics) - can be seen as eloquent evidence of the growing authority of institutionalism in world economics today. Thus, in our understanding, the institutional approach to governance is based on the use of the achievements of all theories or currents of institutionalism, so we can assume that its essence is not to limit the analysis of economic phenomena and processes in its purest form, but to take into account research. in turn - non-economic factors (primarily relevant institutions and institutions, social "moods", legal aspects).

It is worth noting that in this paper we approach the understanding of the concepts of "institution" and "institution" in terms of classical science in the understanding of Herbert Spencer. By the term "institution" we mean a set of formal and / or informal rules and regulations, as well as the means to ensure their observance, but by the term "institutions" we mean organizations or institutions entrusted with the functions of monitoring compliance with rules and regulations and providing conditions for their implementation. The category "institutional environment" is understood by us as a system of institutions and institutions that determine the nature of public life, primarily in its socio-economic manifestations. After all, analysis, like everything else that concerns institutions, will be called "institutional" in this paper, while various aspects that are directly related to institutions will be called "institutional." The formation and development of neo-institutionalism is also based on the interpretation of institutions as a set of formal and informal norms that limit the options for rational choice of economic entities [3]. According to D. North, institutions are "rules of the game in society or, more precisely, man-made re-

strictions that direct human interaction in a certain direction." They structure incentives in the process of human exchange - political, social or economic [4].

When using the institutional approach, it is important to distinguish the main differences between institutionalism and other economic theories and trends. To deepen the theoretical and methodological support of modernization of the Ukrainian system of land market formation and management on a national and regional scale, the following features of institutionalism should be taken into account: from the point of view of classical economic theory the economy is considered as a basis for science, culture, politics, and institutionalism considers these concepts to be very closely interconnected and interdependent, and therefore equivalent; unlike the marginalists, who study the economy "in its purest form", rejecting the social side, the institutionalist explores it only as part of one of the components of the social system; categories (such as price, profit, demand) familiar to the neoclassical school are not ignored, but are considered taking into account the fuller range of interests and socio-economic relations; economic entities are not treated as "optimizers" ("maximizers" or "minimizers") of a particular objective function, but as those who act in accordance with certain social norms, accepted rules of conduct or "habits"; the interests of society are primary. The actions of individual actors are largely determined by the situation in the economy as a whole, not the other way around. In particular, their goals and preferences are shaped by society. In classical political economy and marginalism, it is believed that the interests of the individual arise first, which shape the interests of society as a whole; institutionalism is based on the interpretation of the economy as an evolving system, which is determined by cumulative processes.

The consequence of the dysfunction of established market institutions - the growing size of the shadow market, the accumulation of non-payment of wages, unemployment, corruption, declining real incomes, the reduction of the "middle class" against a growing population living below the poverty line, raiding, open and hidden other negative processes and phenomena [3, p. 30]. In view of this, in modernizing the land management system, much attention should be paid to the study of social norms and rules as basic regulators of human interaction, which attribute a certain nature of individual behavior in a given situation, which may be voluntary - for norms or should be based on sanctions. (social, economic, legal) - for rules.

Identifying institutions that will improve land use at the regional level is a difficult task. We will try to identify factors that may contribute to their development:

1) clear and understandable long-term planning, which is the main stabilizing factor in management, both at the national and regional levels;

2) development of monitoring as a tool of analysis and strategic plans, if such a need arises. In our opinion, this factor should be strictly defined and subordinated to the first - in particular the limits of adjustment of long-term planning are defined;

3) the development of public control, as the most

important factor and factor of institutional development of society - the transfer of some control to public organizations - this factor is extremely underdeveloped in Ukraine - only in recent decades it begins to develop and is still at an insufficient level;

4) coordination of current management decisions between different levels of performers.

The organization of rational use of land resources is a multifaceted cross-sectoral problem, the successful solution of which requires the modernization of the entire land management system and a comprehensive approach to solving long-standing legal, economic, organizational and environmental issues.

Given the growing role and importance of the regional level of government in the modern economy, the transition to gradual decentralization of power and the objective complexity of management problems at the regional level, we believe that the formation of a modern concept of land management at the regional level needs special attention. In particular, the main goal of improving the land management system in the agricultural sector is to create a system of land use based on optimal use of land, labor and other resources of the region, which would maximize the material well-being of the region without creating additional threats to its environmental security. was attractive for investment for further rapid development. Institutionalism is one of the most promising areas for revealing and explaining the peculiarities of economic behavior, and therefore, the achievements of institutionalism must be used to create a modernization of land management at all levels. The application of the institutional approach makes it possible to bring the analysis of economic processes closer to real life, abandoning the rather rigid axiomatics of neoclassical theory (axioms of complete rationality, absolute awareness, perfect competition, maximizing utility, etc.), and focusing on motivating human behavior. socio-cultural, psychological, historical factors, which until recently mostly remained out of the attention of economists [3, p. 33].

Even at the stage of long-term (strategic) planning of land market reform, the responsibilities and powers of the subjects of transformation need to be defined and clearly defined in order to avoid duplication and competition of the functions they will perform. The use of tools for institutionalizing the management structure will ensure the solution of the following tasks: the formation of a clear management structure; arranging it in horizontal and vertical directions; delimitation of all vertical levels; formulation of functions and the order of interaction between certain subjects of management. As a result, we will get an effective land management structure in the framework of the formation of an efficient land market.

In addition to the fact that the transformational economic system by definition depends on the state of internal macroeconomic parameters inherited from the nationalized centralized planned economy, it was joined with great urgency by the problems of dependence on the archaic structure of agro-industrial production. After the change of social order in 1991, it was not possible to achieve high results in the agricultural

sphere due to a number of objective and subjective reasons. The imperfection of fiscal, monetary, investment and foreign economic policies was especially noticeable. The destructiveness of state regulation was due to the fact that each new government rejected the developed and proposed its own programs, which did not fully take into account scientific developments [5].

It is known that the relationship of land ownership is the most important condition for the formation of a system of rational land use, which causes a radical transformation of relations in the economic structure of society; based on this, land relations in the economic system of the country can be allocated in a special separate block due to the specific feature of the land as a special type of real estate and a kind of property category. It is worth noting that various forms of land ownership form the basis of land relations in Ukraine.

Informal restrictions (traditions, customs, voluntarily assumed norms of behavior, unwritten codes, historical aspects of norms formation, etc.) are mandatory to take into account when planning institutional changes and are based on the very concept of "institutions" interpreted by North. To ensure the fluidity and stability of changes in the institutional structure of the transformation of land relations in the process of organizing formal rules, it should be borne in mind that this process is not short-lived, but the design of strategic changes should be approached in the near future. This is an important condition for institutions to play a key role - to reduce uncertainty and unpredictability in human behavior by establishing a stable (although, as practice shows, not always effective) interaction between people.

Taking these factors into account is a mandatory but difficult aspect of the study. The problem is how to assess and analyze these institutional factors. As a rule, a fairly common method of so-called "Expert assessment", but it has its own specifics and is not always objective, in addition, there is a danger of subjectivity in the opinion of the expert, including - deliberate manipulation, as we can now see in the information space of the country.

Given the peculiarities of the institutional economy and its specifics, namely the operation of mostly fuzzy digital and indeterminate material, and evaluation categories, we will try to analyze the institutional state of the land market in Ukraine and try to apply a

comprehensive analysis of each factor and come to a general assessment of land market infrastructure.

First, we will make a list of the main institutional components that are necessary for the proper functioning of the land market. Using the European experience, we identify groups of factors and their components (Fig. 1).

Estimation of such factors solely from the point of view of "digital" analysis is not possible and this is understandable. Let's try to analyze these components differently. Let's define and make rating positions on degree of development in comparison with other countries by the principle of the complex analysis of sample supervision.

To do this, we will use open static databases, as well as partially compiled ratings in open information sources. The most important sources for compiling ratings will be the World Value Survey data base [6], Global entertainment & media outlook [7], which will show that the main institutional shortcomings are the system of protection of property rights, where Ukraine ranks 137th according to this criterion. among 142 countries. It also determines the "level of quality of institutions", where the rating of Ukraine in 2017 - 118 among 137 countries. In particular, the biggest institutional problems are: "protection of property rights" (it should be noted that in 2017 Ukraine rose to 128th place from 137 in 2016, which is progressive, but not so significant), "protection of shareholders' rights" (129th place), "Effectiveness of auditing and accounting standards" (123rd place), "effectiveness of regulatory legislation" (122nd place), "protection of intellectual property" (119th place), which in our opinion is a very significant indicator of the level of development of institutions in society. norms - the number of unlicensed software in Ukrainian households is close to 90% in recent years. Also significantly low in the ranking are "the effectiveness of legislation on dispute resolution" - 116th place, "efficiency of public spending" - 113th place. The level of public trust in politicians in Ukraine is about the same as in Burundi. According to the indicator "Independence of the judiciary", Ukraine ranks 129th compared to 134th position in 2016. Although the judicial index is growing in dynamics (from 2.02 in 2013 to 2.43 in 2016 and almost the same result - 2.40 in 2017), but it is not sufficient.

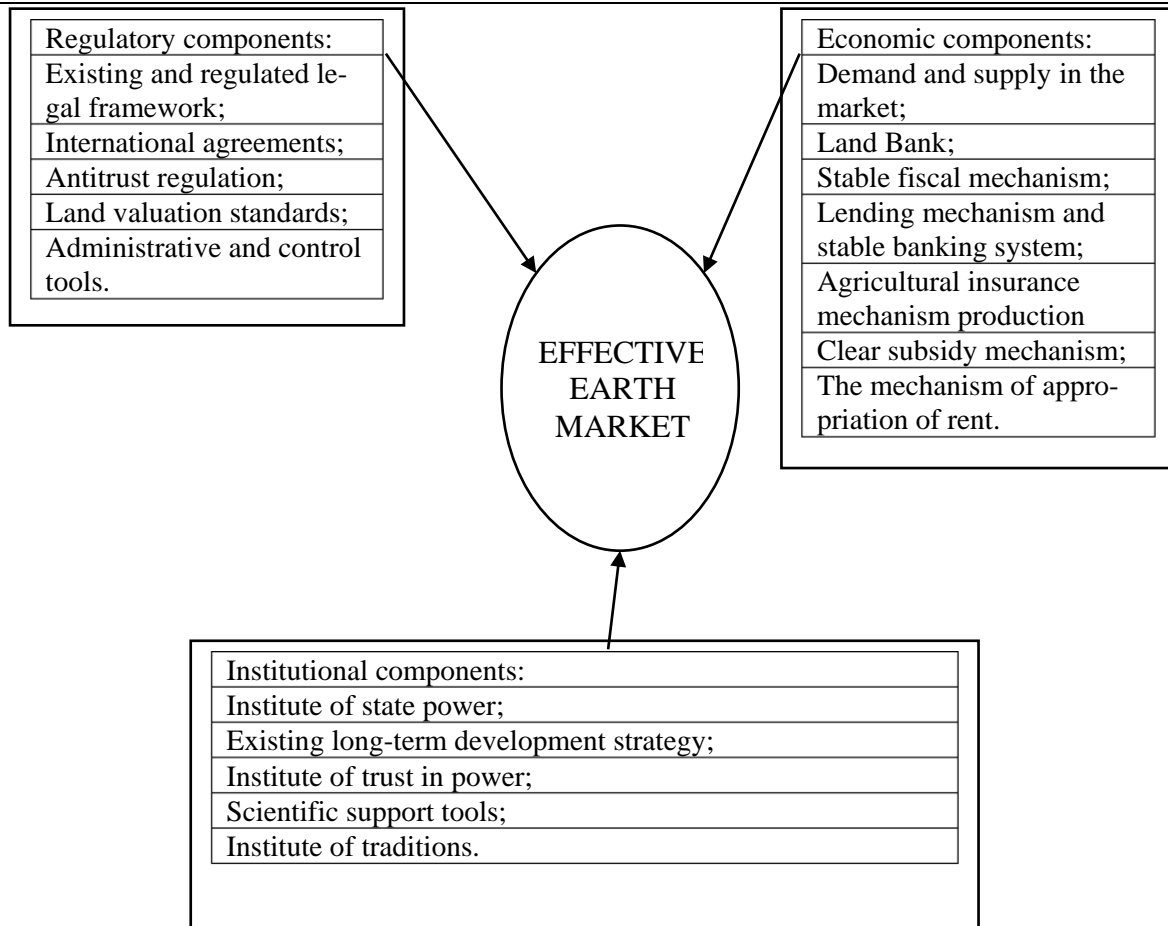


Fig.1. Components of the land market *

* compiled by the author

Business distrusts the judiciary, so if necessary, seeks protection in the courts of "common law" of other countries. Among the economic group of components, it is worth noting the decline in the "degree of ease of doing business" from 67th place in 2015 (from 189 countries) to 76th in 2017 (from 190 countries). The index of economic freedom has partially grown in dynamics - from 162nd place out of 178 countries in 2016 to 150th out of 180 countries.

A critical component in the formation and development of the land market is a clearly established fiscal policy, confidence in the banking system and the formation of the land bank. Only about 28% of Ukrainian citizens trust the domestic banking system. There is no full-fledged "Land Bank" as an instrument of land capitalization and lending to agricultural producers (as owners or long-term tenants of land) as such. State support in the field of interest rates (especially for agricultural producers) in commercial banks - as well.

The main negative factors influencing the conditions for doing business in Ukraine are recognized by world experts as corruption, the level of taxation, access to finance, and the inefficiency of the state apparatus. Although the Corruption Perceptions Index has improved in the rankings to 30, and in 2017 Ukraine for the first time in its history "improved" its position relative to the "institutional" competitor - Russia, but this figure is low enough to carry out such an important reform as land. Further steps are needed by the state to

reduce corruption, first of all - the adoption and implementation of an effective, not declarative Law of Ukraine "On Anti-Corruption Court".

In market conditions, land relations cannot develop effectively without the formation of an objective price for land. We believe that in modern conditions the concept of absolute rent does not correspond to our realities. Unfortunately, the cadastral valuation system is not able to guarantee the same or relatively the same prices at the time of market opening and during its operation. Land prices will very quickly fall under the law of "supply and demand" and this factor is extremely important to consider.

An important institutional aspect of transformations is the long-term nature of the "action plan". In our opinion, this factor is decisive in carrying out any reforms. It is worth noting that the 2020 Development Strategy and the European Horizon 2020 program are coming to the final stage and it is already worth approaching the creation of a new strategy. Important for the further process of transformation in the agricultural sector is the establishment and adherence to a common course and plan for the development of market relations with the ultimate goal - the establishment of a relatively free and transparent land market, but always taking into account that for such a market must first address institutional problems.

Conclusions. Reforming land relations is a complex process. It covers all sectors of the economy and society, defining the role and place of land reform in

the overall system of socio-economic transformation. The task of settling land relations is one of the most important tasks of economic reforms in Ukraine. The success of socio-economic transformations, stability and security of the state depend on the policy in the field of land relations.

The formation of the institution of private land ownership, the development of key institutional factors (legal framework, trust in government, trust in the judiciary) primarily in the field of small and medium agricultural entrepreneurs can create an effective mechanism for forming a certain layer of the so-called "middle class". However, having studied the main institutional components of the land market, we believe that at present all the institutional grounds for lifting the moratorium on the law on the circulation of agricultural land are not met, and therefore the market is unpredictable. In our opinion, a key element in the process of land relations transformation should be a long-term program of economic development, which will include the main provisions of the institutional economy, on the basis of which to plan further transformation processes.

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№14 2020

Annali d'Italia

VOL. 2

ISSN 3572-2436

The journal is registered and published in Italy.
Articles are accepted each month.
Frequency: 12 issues per year.
Format - A4 All articles are reviewed
Free access to the electronic version of journal

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