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*Overkovska T.**PhD, Associate Professor,**Associate Professor of Law Faculty of Management and Law,**Vinnitsa National Agrarian University, Vinnitsia, Ukraine*[DOI: 10.24412/2520-6990-2021-14101-48-54](https://doi.org/10.24412/2520-6990-2021-14101-48-54)**LEGAL PROTECTION OF LAND FROM POLLUTION****Abstract.**

The article considers certain components of legal protection of lands from pollution, legal regulation of relations in the field of land protection. The current state of the current legislation of Ukraine in the field of protection of the qualitative condition of lands is analyzed, the classification of the legislative acts regulating the specified sphere of public relations is offered. It is determined that the processes of globalization and social transformations have increased the priority of environmental protection, and therefore require Ukraine to take urgent measures. The need to improve the legislation in the field of legal protection of lands is determined taking into account the provisions of international and European legislation. Based on the results of the research, the article formulates conclusions that are based on the provisions of legal doctrine and current legislation.

Keywords: *land, land protection, land protection legislation, pollution, legal liability, responsibilities of land-owners and land users.*

Introduction. The processes of globalization and social transformations have increased the priority of preserving the environment, and therefore require urgent action by Ukraine. For a long time, the economic development of the state was accompanied by unbalanced exploitation of natural resources, low priority issues of environmental protection, which made it impossible to achieve balanced (sustainable) development [1].

Legal protection of lands from pollution is an extremely important issue for our state. It should be addressed through the introduction of a system of legal regulation in this area, as well as the definition of effective measures in the field of ensuring the proper quality of land for the further development of society and the preservation of human health.

This is due to the fact that the modern use of land resources in Ukraine does not meet the requirements of rational nature management. The state of Ukraine's land resources is close to critical. According to various criteria, about 20 percent of Ukraine's land is polluted. More than 150,000 hectares of land have been disturbed as a result of mining and other activities. The reasons for this situation are complex and historical preconditions. Special mention should be made of violation of ecologically balanced ratio between land categories, reduction of unique steppe areas, excessive plowing and violation of natural soil formation process, use of imperfect technologies in agriculture, industry, energy, transport and other sectors of the economy, focus on short- and medium-term economic benefits, ignoring the environmental component and the negative consequences in the long run [1]. That is why preserving the quality of lands and protecting them from pollution is one of the priorities of state environmental policy. At the same time, activities to maintain the ecological balance in the field of land use should be systematic and based on a system of appropriate legal norms.

Such a process cannot be effectively carried out without an analysis of current legislation, the essence of which is to study the relevant regulatory framework for the regulation of this area of public relations.

The analysis of publications and research on the problems of protection of the quality of land shows that a significant contribution to the development of land protection has been made by such scientists as V.I. Andreyev, H.I. Baliuk, P.F. Kulynych, V.L. Muntian, V.V. Nosik, N.I. Tytova, M.V. Shulha and many others. At the same time, it should be noted that certain provisions on the legal protection of land from pollution do not lose their relevance and prospects for further scientific development and research.

Recently, Ukraine has adopted a number of legislative acts in the field of land regulation. However, despite the fact that the range of issues that are subject to legal regulation is gradually expanding and the current land legislation is being significantly updated, there are still many gaps in the field of solving the problems of legal protection of land.

In view of the above, the purpose of this publication is to implement the legal characteristics of the legal regulation of relations for the protection of land from pollution in Ukraine, which would further contribute to the preparation of proposals for improving legislation in the field of land protection.

Research results. According to Article 1 of the Law of Ukraine "On State Control over Land Use and Protection" [2] land pollution is an accumulation in soils and groundwater due to anthropogenic exposure to pesticides and agrochemicals, heavy metals, radionuclides and other substances that exceed the natural background, which leads to their quantitative or qualitative changes.

In dictionary sources, the concept of "pollution" is defined as the accumulation of substances and organisms in the soil due to anthropogenic impact in such quantities that reduce the technological, consumer and sanitary value of cultivated plants and the quality of other natural objects [3, p. 149]. At the same time, the physical and chemical properties of the earth are gradually changing, the number of living organisms is decreasing, and soil fertility is deteriorating.

In the legal scientific literature, the concept of "land pollution" is defined as changes in the qualitative

and quantitative state of land, which occurred under the influence of economic activity or other anthropogenic pressures due to the penetration of pollutants whose content exceeds the natural background [4, p. 24]. Therefore, lands are considered to be contaminated if they contain negative quantitative or qualitative changes that have occurred as a result of economic activity or the influence of other factors. The changes may be due not only to the appearance in the aeration zone of new harmful substances, which did not exist before, but also to an increase in the content of substances exceeding their maximum allowable concentration, which are characteristic of unpolluted soil or in comparison with agrochemical passport data. 3.1 Methods for determining the amount of damage caused by pollution and littering of land resources due to violations of environmental legislation (as amended by the order of the Ministry of Environment from 04.04.2007 № 149 [5]).

Note that the regulation of relations in the field of land protection from pollution is carried out at the level of the Constitution of Ukraine, laws of Ukraine, by-laws, regulations, acts of local executive bodies and local government.

The basis of the legal framework in the field of legal protection of land is the Constitution of Ukraine [6], which regulates the most important social relations. Thus, the important national importance of land protection is emphasized in Art. 14 of the Constitution of Ukraine, according to which land is the main national wealth, which is under special protection of the state. The implementation of this constitutional provision is carried out through the legal institution of land protection.

In addition, draws attention to the provisions of Part 7 of Article 41 of the Constitution of Ukraine, which emphasizes the relationship between land use and environmental imperatives of land use, prohibiting deterioration of the ecological situation and natural qualities of land, reflects the importance of land for man as an ecological and economic category. This raises the question of further greening of both land protection legislation and greening of civil society.

The greening of civil society aims to rationalize the use of nature and environmental protection, ensure the sustainability of ecological systems and eliminate global, national and regional environmental threats. At the same time, the greening of society occurs through the development of legislation itself, which regulates the implementation of environmental interests of man and legal doctrine as an integral part of the implementation of norms in the history of statehood [7, p. 263].

Given the multifaceted nature of land protection, in the legal literature, legislation governing relations in the field of land protection from pollution and damage is proposed to classify the subject of legal regulation of certain groups of relations for the protection of quality land: 1) acts of general (integrated) nature. establish general requirements for all landowners and land users in the field of land protection and are aimed at protecting land and its useful properties; 2) acts that contain norms on the protection of certain categories of land from pollution and damage; 3) acts, the rules of which

regulate activities that may in some way affect the quality of land; 4) acts, the norms of which establish the need to ensure the quality of soils for growing environmentally friendly products; 5) acts that contain legal requirements for the protection of other natural resources, the quality of which may or does affect the quality of land [4, p. 66].

In particular, the first group of legislative acts includes the Law of Ukraine "On Environmental Protection" [8], the Land Code of Ukraine [9], the Law of Ukraine "On Land Protection" [10], the Law of Ukraine "On State Control over the Use and Protection" lands "[2].

Legislative acts that contain rules for the protection of certain categories of land include the Laws of Ukraine: "On the Nature Reserve Fund of Ukraine" [11], "On the legal regime of the territory affected by radioactive contamination due to the Chernobyl disaster" [12], "On resorts" [13] and many others.

Among the legislative acts aimed at regulating activities that may in some way affect the quality of land are the following Laws of Ukraine: "On ensuring the sanitary and epidemic well-being of the population" [14], "On pesticides and agrochemicals" [15], "On waste" [16], "On radioactive waste management" [17], "On high-risk facilities" [18], "On environmental impact assessment" [19] and others.

The norms of the laws that establish the need to ensure the quality of soils for growing environmentally friendly products include the Laws of Ukraine: "On Land Reclamation" [20], "On Plant Protection" [21], "On Pesticides and Agrochemicals" [15], etc.

The basic law in the field of legal protection of lands is the Law of Ukraine "On Environmental Protection", the provisions of which provide a list of precautionary measures (in particular, Articles 41, 52-56), which are aimed at protecting the environment as a whole and its individual elements, the most important of which is the earth. Yes, according to Art. 5 of the Law of Ukraine "On Environmental Protection" land, along with other natural resources, is one of the objects of environmental protection. Thus, environmental protection, including legal, also covers land protection, and the problems of land protection in their main areas, principles and means have much in common with solving environmental problems in general. Therefore, land can be protected both in combination with other natural resources (for example, within the territories and objects of nature reserves) and as a separate component of the environment. Hence, it is logical to consider land protection as part of a broader concept - environmental protection. However, land protection differs from the general problem of environmental protection, hence land protection has its own specific features.

The Land Code of Ukraine is a basic source aimed at regulating land relations. At the same time, the task of land legislation is to regulate land relations in order to ensure the right to land of citizens, legal entities, territorial communities and the state, the rational use and protection of land, including protection against pollution. According to Art. 162 of the Land Code of Ukraine land protection is a system of legal, organizational, economic and other measures aimed at rational

use of land, prevention of unjustified withdrawal of agricultural and forestry land, protection from harmful anthropogenic impact, reproduction and increase of soil fertility, increase soil fertility, providing a special regime for the use of land for environmental, health, recreational and historical and cultural purposes. The task of land protection is to ensure the preservation and reproduction of land resources, the ecological value of natural and acquired qualities of land (Article 163 of the Land Code of Ukraine).

Analyzing the provisions of the Land Code of Ukraine on the protection of land from pollution, it is worth paying attention to the content of Chapter 27 (Articles 169-170), which regulates the general principles of use of man-made contaminated land. In particular, to such lands Art. 169 of the Land Code of Ukraine refers to lands that are polluted as a result of human economic activity, which has led to land degradation and its negative impact on the environment and human health. Man-made contaminated lands include lands dangerous for radiation and radioactively contaminated, lands contaminated with heavy metals, other chemical elements, etc. When using man-made contaminated lands take into account the peculiarities of their use.

We draw attention to the fact that it is not only about protecting lands from pollution, but also about protecting the health of people who live on these lands and consume agricultural products grown on them. Therefore, the legal protection of land from pollution covers such an object of protection as human life and health, as the state of the land affects the human environment and, accordingly, his life and health. In particular, man-caused contamination of agricultural land, which does not provide products that meet the established requirements (norms, rules, regulations), are subject to withdrawal from agricultural circulation and conservation (Article 170 of the Land Code of Ukraine).

In addition, it should be noted that the establishment of protection obligations of landowners and land users should in fact be considered as a component of land protection from pollution. Yes, in accordance with Art. 91 of the Land Code of Ukraine, land owners are obliged to: ensure the use of land for its intended purpose; comply with the requirements of environmental legislation; not to violate the rights of owners of adjacent land plots and land users; increase soil fertility and preserve other useful properties of the earth and others. According to Art. 96 of the Land Code of Ukraine, land users are obliged to: ensure the use of land for its intended purpose and at its own expense to restore it in case of illegal change of its relief, except in cases of illegal change of relief by the owner of such land; comply with the rules of good neighborliness and restrictions related to the establishment of land easements and protection zones and other requirements.

The Law of Ukraine "On Land Protection" was adopted in order to implement the provisions of the Land Code of Ukraine. In accordance with Art. 3 of this Law, the legal protection of land is based on the following basic principles: ensuring the protection of land as the main national wealth of the Ukrainian people; priority of ecological safety requirements in the use of

land as a spatial basis, natural resource and main means of production; compensation for damages caused by violation of the legislation of Ukraine on land protection; rationing and systematic limitation of the impact of economic activity on land resources; combination of measures of economic stimulation and legal responsibility in the field of protection of quality of lands; publicity in resolving issues related to land protection, use of funds from the State Budget of Ukraine and local budgets for land protection, etc.

Also, the Law of Ukraine "On Land Protection" (Article 22) proposes a system of measures in the field of land protection, which is reduced to the following: 1) a state comprehensive system of observations; 2) development of national and regional programs of land use and protection, land management documentation in the field of land protection; 3) creation of an ecological network; 4) implementation of natural-agricultural, ecological-economic, anti-erosion and other types of zoning (zoning) of lands; 5) economic incentives for the implementation of measures for the protection and use of land and increase soil fertility; 6) standardization and rationing. At the same time, it should be noted that the list of land protection measures, including pollution, is not exhaustive.

In particular, natural-agricultural, ecological-economic, anti-erosion and other types of land zoning (zoning) include: division of lands by purpose taking into account natural conditions, agrobiological requirements of crops, economic development and priority of environmental safety requirements; establishing requirements for the rational use of land in accordance with the district (zone); identification of areas in need of special protection from anthropogenic impact; establishment within certain zones of the necessary types of ecological restrictions in the use of lands or soils taking into account their geomorphological, natural-climatic, soil, anti-erosion and other features in accordance with the ecological area (zone) (Article 26 of the Law of Ukraine "On Land Protection"). Current legislation in the field of land protection may also provide for other measures.

We believe that a promising area for the protection of land from pollution is the enshrinement in the Law of Ukraine "On Land Protection" of the basic requirements for the protection of the quality of land in the course of economic activity. This is due to the fact that land pollution is usually due to the negative man-made impact, which causes changes in the natural properties of the land, a negative impact on the environment and human health.

Certain articles of this Law set requirements for the protection of soil fertility; protection of lands during land reclamation, in the process of urban planning, the use of pesticides and agrochemicals, water and forestry, construction and operation of linear engineering structures, the use of new technical means and technologies; protection of lands and soils from pollution by waste, hazardous substances; protection of health, recreational, historical and cultural, nature reserve and other nature protection lands from pollution and spoilage. The economic basis for land protection actions is the

legislative consolidation of various sources of funding for land protection measures (Article 55).

The use of land in agriculture and forestry as the main means of production determines the use of pesticides and agrochemicals in the production of crop products. Excessive and unregulated use of which can lead to land pollution, endanger human health and the environment. Regulation of land protection in the use of pesticides and agrochemicals is carried out in accordance with the Law of Ukraine "On Pesticides and Agrochemicals", which at the legislative level enshrines the principle of priority of human health and environmental protection over the economic effect of pesticides and agrochemicals.

The ecological direction of this Law is manifested in the regulation of requirements for transportation, storage, use, disposal, destruction and disposal of pesticides and agrochemicals, trade in them (Article 11), as well as the order of application (Article 12)., Outlining the features of their application (Art. thirteen). This is primarily due to the fact that the main feature of pesticides is their high biological activity against living organisms. Therefore, any pesticide is objectively a threat to the environment in general and to land in particular, as well as to humans and animals. Given this fact, the legislator in Art. 18 of the Law of Ukraine "On Pesticides and Agrochemicals" outlines the quality requirements for the safety criteria of agricultural raw materials and food products, which, in turn, are grown on land of a certain quality.

Legal requirements for the protection of land from pollution include the provisions of the Law of Ukraine "On Waste". The need for legal protection of land from waste pollution is due to the fact that recently the volume of waste accumulation has become significant - they are estimated at tens of billions of tons.

The problem of waste management is important and is key to solving the strategic objectives of state environmental policy, taking into account the European position on waste management. To this end, the order of the Cabinet of Ministers of Ukraine of November 8, 2017 № 820-r approved the National Waste Management Strategy of Ukraine until 2030 [22], which is based on the provisions of: Framework Directive № 2008/98 / EU of the European Parliament and of the Council of 19 November 2008 "On waste and repeal of certain directives"; Council Directive 1993/31 / EC of 26 April 1996 on the landfill of waste; Directive № 2006/21 / EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35 / EC; Directive 94/62 / EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste; Directive 2012/19 / EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) and others. Therefore, legal documents on the legal regulation of relations in the field of waste management should be based on the principles and provisions of European legislation.

As part of the requirements for the protection of land from pollution, the Law of Ukraine "On Waste" imposes on enterprises, institutions and organizations

certain responsibilities in the field of waste management: to prevent the generation and reduce the amount of waste; to ensure complete collection, proper storage and prevention of reduction and spoilage of waste that has resource value and is subject to disposal; prevent the storage and disposal of waste in unauthorized places or facilities, etc.

Note that the current trend of development of legal regulation of waste involves the unification of the basic term "waste" with subsequent internal differentiation of individual concepts. Terminological unification is the refusal to search for a universal concept of waste, which could cover all components of this dynamic category, by identifying and normative consolidation of only the main characteristics: 1) external form (objects, materials or substances); 2) the impossibility of using them for their original purpose or further use at the place of formation; 3) the obligation to take certain actions for their reuse, processing, disposal or disposal [7, p. 99]. That is why, from our point of view, for greater effectiveness of Ukrainian legislation in the field of waste management it is necessary: first, to establish different legal regimes for different types of waste, for example: household, industrial, agricultural, etc. Secondly, the legislator should provide in the regulations more severe sanctions for violations of legislation in the field of waste management. For example, by increasing the size of fines, termination of the offender, and so on.

Among the legislative acts regulating the issues of legal protection of lands from pollution and spoilage, the Law of Ukraine "On the Legal Regime of the Territory Suffered from Radioactive Contamination as a Result of the Chernobyl Accident" should be identified. It is in this legislative act that the concepts of "radiation-hazardous" and "radioactive contamination" of land are revealed (Articles 2-4). In particular, lands where it is impossible for the population to continue living, obtaining agricultural and other products, foodstuffs that meet national and internationally acceptable levels of radioactive substances, or lands that are inappropriate to use under environmental conditions are considered radioactive. In turn, radioactively contaminated lands are those that require radiation protection measures and other special interventions aimed at limiting the additional exposure caused by the Chernobyl disaster and ensuring normal economic activity.

The positive aspect of this legislative act, in our opinion, is the fact that the issues of legal protection of radiation-contaminated lands are currently more regulated in a special law. Note that not only the Law of Ukraine "On the legal regime of the territory affected by radioactive contamination as a result of the Chernobyl disaster" defines the categories of land that are radioactively contaminated. Such lands are also equated to lands provided for the location of nuclear installations and facilities in accordance with Art. 37 of the Law of Ukraine "On the use of nuclear energy and radiation safety", as well as land plots on which radioactive waste storage facilities are located and facilities intended for radioactive waste management under Art. 25 of the Law of Ukraine "On Radioactive Waste Management".

In the design, operation of new and reconstructed facilities and structures, the introduction of new equipment and new technologies should be provided and applied measures for land protection, compliance with environmental, sanitary and hygienic and other established requirements. In a way, such requirements reproduce the provisions of the Law of Ukraine "On Ensuring Sanitary and Epidemic Welfare of the Population." For example, Art. 22 contains provisions according to which the bodies of executive power, local self-government, enterprises, institutions, organizations and citizens are obliged to maintain the land plots and territories provided for use or owned by them in accordance with the requirements of sanitary norms. In our opinion, this article of the Law would provide for the provision that legal entities and citizens are obliged not only to "maintain" but also to "use" the land plots provided to them in accordance with the requirements of sanitary norms. At the same time, the analysis of the negative impact on the quality of land and the effectiveness of the envisaged measures for land protection should be carried out on the basis of an environmental impact assessment. Therefore, the provisions of the Law of Ukraine "On Environmental Impact Assessment" are important for the legal regulation of land protection from pollution.

Environmental impacts are any consequences for the safety of human life and health, flora, fauna, biodiversity, soil, air, water, climate, landscape, natural areas and objects, historical monuments and other material objects. or for the combination of these factors, as well as the consequences for cultural heritage sites or socio-economic conditions that are the result of changes in these factors (Article 1 of the Law of Ukraine "On Environmental Impact Assessment").

It is worth noting that the choice of the path of European integration and fulfillment of Ukraine's commitments by ratifying the Association Agreement with the European Union necessitates focusing on the implementation of the European model of environmental impact assessment, as well as the development and improvement of environmental legislation. compliance, including the approximation of Ukrainian legislation to the EU acquis. In particular, Directive 2011/92 / EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (as amended by Directive 2014/52 / EC of the European Parliament and of the Council of 16 April 2014) sets out requirements regarding the environmental impact assessment of public and private projects, which can cause any negative consequences for the safety of the environment, its individual elements and human life [23, p. 163].

At the same time, an important scientific basis for achieving the goals of legal regulation in the field of environmental impact assessment is the principle of reliability of information. This principle is based on the provisions of Part 1 of Art. 6 of the Law of Ukraine "On Environmental Impact Assessment", namely: the business entity provides for the preparation of a report on environmental impact assessment and is responsible for the accuracy of the information provided in the report

in accordance with the law. Thus, environmental impact assessment is an organizational and legal impact on public relations in the field of nature management and environmental safety and aims to make an informed, environmentally sound decision to carry out planned activities that may have a significant impact on the environment, in order to exclude or limit negative impact on the environment, prevention of emergencies of man-made and natural nature, as well as prevention of environmental damage [23, p. 166-167].

Of great importance for the protection of land from pollution is the implementation of soil protection means of land protection, one of which is land reclamation. Legal principles of regulation of public relations arising in the process of land reclamation, use of reclaimed land and reclamation systems, and the powers of executive authorities and local governments in the field of land reclamation are defined in the Law of Ukraine "On Land Reclamation", which aims to ensure environmental safety reclaimed systems. The law states that land reclamation is a set of hydraulic and other reclamation tools that are carried out to regulate water, heat, air and nutrient regime of soils, storage and increase their fertility, as well as the formation of ecologically balanced, rational land structure. This specific legal definition of land reclamation emphasizes the importance of legal protection and conservation of land resources.

Also a component of the legal regulation of land protection from pollution are legal requirements for the protection of other natural resources, the quality of which may or does affect the quality of land, that it is about natural resource legislation. However, according to Part 2 of Art. 3 of the Land Code of Ukraine, land relations arising from the use of subsoil, forests, waters, as well as flora and fauna, atmospheric air, are governed by the Land Code of Ukraine, regulations on subsoil, forests, water, flora and fauna, atmospheric air, if they do not contradict the Land Code of Ukraine. Thus, the Land Code of Ukraine has priority in regulating land relations related to the legal protection of land from pollution, in relation to other legislation.

Legal liability for violation of land protection legislation should be considered a component of legal protection of land from pollution.

It should be noted that liability for environmental offenses is related to general law enforcement issues, that it has the basic features and principles that characterize legal liability in general. At the same time, legal liability in the environmental sphere has its own specifics, which is determined by the peculiarities of the environmental offense as a mandatory basis for the application of sanctions to violators of environmental legislation. It should be noted that such features stem from the specifics of the rational use of natural resources, environmental protection and environmental safety [24, p. 8].

According to the current legislation of Ukraine, citizens and legal entities are subject to disciplinary, civil, administrative or criminal liability for violations of land protection legislation.

Thus, the peculiarities of civil liability in the field of land protection can be traced in the order of determining the amount of damage caused by violation of the legislation on land protection, which is established by special regulations.

In particular, the Methodology for determining the amount of damage caused by pollution and littering of land resources due to violations of environmental legislation (as amended by the order of the Ministry of Environment of March 4, 2007 № 149) [25] establishes the procedure for calculating the amount of compensation for legal entities and citizens. activities due to pollution of lands with chemicals, their pollution with industrial, household and other wastes.

Resolution of the Cabinet of Ministers of Ukraine of July 25, 2007 № 963 [26] approved the Methodology for determining the amount of damage caused by unauthorized occupation of land, use of land for other purposes, removal of soil (fertile soil layer) without special permission - declarative provisions for reclamation works.

In addition, in accordance with the requirements of Part 2 of Art. 157 of the Land Code of Ukraine by the Resolution of the Cabinet of Ministers of Ukraine of December 17, 2008 № 1098 "On determining the amount of damage caused by failure to rehabilitate disturbed lands" [27] provides for the calculation of losses caused by changes in relief structure, environmental soils and parent rocks and in the hydrological regime of lands.

EU legislation addresses the compensation of environmental damage set out in Directive 2004/35 / EC of the European Parliament and of the Council of 21 April 2004 on environmental liability for the prevention and response to environmental damage [28].

A fundamental principle of this Directive is that a person exercising managerial rights and whose activities cause damage to the environment or a real threat of such damage must be financially responsible in order to encourage the persons concerned to take measures and apply practices to minimize the risks of harm to the environment and thus reducing their level of financial responsibility. In implementing such provisions, the relevant recommendations on the benefits of establishing this type of liability are taken into account, which include: 1) damage prevention; whereas compensation can be significant, operators will try to avoid environmentally hazardous economic actions that could increase the cost of doing business; 2) a rapid response to minimize environmental damage, and because responsible operators know from the outset that they must pay compensation, they will always have an incentive to respond quickly to the incident and minimize the damage; 3) prompt payment of compensation. In this case, victims and defendants will receive compensation faster, because under strict liability systems it is much less likely that a potential plaintiff will need to establish a link between the action and the damage [29, p. 49-50].

One of the characteristic features of administrative responsibility in the field of land protection is that it is applied by authorized bodies and officials, that it for administrative responsibility a characteristic feature is the existence of a system of administrative jurisdiction.

These bodies and officials are subjects of executive power. Thus, according to Art. 7 of the Code of Ukraine on Administrative Offenses [30] authorized bodies and officials apply measures of administrative influence within their competence and in strict accordance with the law.

Criminal liability for violation of land protection legislation occurs in the event of actions that encroach on the established procedure for land use and protection and represent a public danger. Among the socially dangerous acts in the field of protection of the quality of land, the commission of which entails the application of criminal liability, the Criminal Code of Ukraine [31] includes pollution or damage to land (Article 239), wasteful use of land (Article 254). Yes, Art. 239 of the Criminal Code of Ukraine provides for criminal liability for pollution or damage to land by substances, waste or other materials harmful to life, human health or the environment, as a result of violation of special rules, if it endangered life, human health or the environment, and also if it has caused the death of people, their mass illness or other serious consequences.

Conclusion.

Legal protection of land is an important component of land relations and is due to the existence of a system of measures aimed at ensuring the rational use of land, restoration, reproduction of land and soil and compliance with law and order in the field of land use. Thus, the above allows us to conclude that it is necessary to further develop legislation on land protection, which is due to the following:

1) taking into account the importance of land as the main element of the ecological system, the problems of protection of the quality of land require further greening of land law;

2) taking into account the principles of scientificity, equality and national interests, the main directions of rational and environmentally sound use of land, as well as areas of their protection require development and justification depending on the characteristics of the relevant category of land;

3) harmonization and improvement of land protection legislation and economic mechanism for land use regulation are required;

4) in the systematization of land protection legislation, the consolidation of regulations governing the prevention of land pollution should be important by: increasing the safety of technologies related to the disposal and disposal of radioactive, toxic, industrial and household waste; prevention and elimination of the consequences of radioactive contamination; introduction of environmentally friendly technologies; rational use of land resources and ensuring environmentally safe living conditions.

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