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Legal factors influencing the effectiveness of relations between government bodies and tenants in the agricultural land lease

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Summary: 1. Introduction. 2. Literature review. 3. Methodology. 3.1. Methods. 3.2. Sample. 3.3. Instruments. 4. Results. 5. Discussion. 6. Limitations. 7. Recommendations. 8. Conclusion. 9. References.

Abstract: The growing role of legal mechanisms in ensuring the transparency of procedures, the stability of contractual relations, and the legal protection of tenants makes a comprehensive analysis of the current regulatory framework relevant. The aim of the study was to identify the main legal and administrative factors that influence the institutional interaction between government bodies and users of agricultural land in the context of legal transformations. The research methodology included an analysis of legislation, content analysis of 127 lease agreements, a study of case law, a survey of 42 land law specialists, and legal modelling of the consequences of regulatory changes. The qualitative component of the interviews was examined through a thematic legal assessment, which allowed the identification of typical administrative barriers. The ongoing wartime conditions in Ukraine additionally affect access to cadastral information and the stability of registration procedures, which should be considered when interpreting the results. The main results revealed a number of barriers, including the complexity of coordination procedures, contradictions between cadastral and registration data, as well as insufficient coordination of the functions of public administration bodies. The highest level of efficiency was recorded in notarial agencies, while local governments demonstrated the lowest indicators because of unclear legal status. The forecast predicts increased competition for land resources, the expansion of electronic circulation of lease rights, and increased vulnerability of small tenants. The academic novelty is the integration of legal, empirical, and analytical approaches to assessing the effectiveness of law enforcement in the field of land lease. The practical significance of the results is the developed proposals for improving legislative procedures, unifying contractual practice, and increasing legal predictability in land legal relations.

Keywords: Institutional Capacity, Public Administration, Property Rights, Case Law, Rule of Law, Tenancy Relations

1. Introduction

In 2020–2024, the field of agricultural land lease in Ukraine underwent significant transformations due to the opening of the land market, decentralization changes, and digitalization of public administration procedures. The changes affected the legal regulation of relations between authorities and tenants, leading to an increased need for legal certainty, procedural transparency and stability of institutional decisions.

During the functioning of the market, difficulties were recorded related to the inconsistency of the regulatory framework, the complexity of access to cadastral and registration data, delays in the approval of contracts, as well as the lack of clearly defined procedures for prolongation and pre-emptive rights. The relations between local governments, the State Geocadastre and registration services remained fragmented, which created risks of legal instability.

The aim of the study was to determine the impact of key legal factors on the effectiveness of institutional interaction in the field of agricultural land lease, taking into account legislative changes, judicial practice, features of contractual regulation, and powers of public authorities.

The study set the following tasks: analyse the regulatory framework in the field of agricultural land lease for 2020–2024; identify typical errors and violations in the content of lease agreements; describe case law in cases regarding lease legal

relations; assess the effectiveness of relations between subjects of lease processes; model the likely consequences of legislative changes for lease practice.

The practical significance was the proposals for improving legislative provisions, standardizing contractual provisions, introducing digital tools for land rights management and strengthening the institutional capacity of public authorities.

2. Literature review

Tenancy relations were considered in the studies of 2020–2024 not only as a legal instrument, but also as an indicator of administrative and institutional changes. The main focus was on the effectiveness of legal norms in the context of decentralization, jurisdictional fragmentation, and interdepartmental competition.

Movahhed Moghaddam et al.⁶ proved that the instability of land use procedures and the unclear distribution of powers created risks for small tenants and facilitated legal manipulation. It was emphasized that the lack of effective mechanisms for implementing provisions turned tenancy guarantees into a formality.

Soaita⁷ examined the examples from Central Europe and the Balkans and showed that legal regulation without proper administrative support created situations of “empty law” in which parties are forced to resort to informal agreements.

Abatechane et al.⁸ noted that decentralization without clear methodological principles weakened legal certainty and increased conflict, which was especially noticeable in the management of arable land in regions with unstable state registration. Current land use studies place the emphasis not only on the formalization of lease rights, but also on the perception of procedural fairness. Bao et al.⁹ proved that the legal form loses its effectiveness in case of poor accessibility of services and unpredictability of administrative decisions. In this context, Adam¹⁰ emphasized the importance of a stable cadastral infrastructure, especially at the local level, where the main points of legal conflicts between communities, registrars and tenants are concentrated.

Sullivan¹¹ analysed the legal vulnerability of users in environments with an poorly developed legal infrastructure. Her findings remain relevant for agricultural leasing in Ukraine, where guarantees of contract renewal and effective protection mechanisms are often lacking. Manda et al.¹² found that trust in government depends on the transparency and speed of administrative procedures, particularly

⁶ MOVAHHED MOGHADDAM, S.; AZADI, H.; SKLENIČKA, P.; JANEČKOVÁ, K. “Impacts of Land Tenure Security on the Conversion of Agricultural Land to Urban Use”, *Land Degradation Development*, v. 36, n. 8, 2025, pp. 2517-2529. <https://doi.org/10.1002/ldr.5535>

⁷ SOAITA, A. M. “Systematic review: locating qualitative academic publications for reviewing tenants’ and landlords’ renting experiences and interaction in the Majority World”, *Open Research Europe*, v. 4, 2024, p. 178. <https://doi.org/10.12688/openreseurope.18234.1>

⁸ ABATECHANIE, M.; CAI, B.; SHI, F.; HUANG, Y. “The environmental and socio-economic effect of farmland management right transfer in china: a systematic review”, *Land*, v. 11, n. 8, 2022, pp. 1333. <https://doi.org/10.3390/land11081333>

⁹ BAO, H. X.; ROBINSON, G. M. “Behavioural land use policy studies: Past, present, and future”, *Land Use Policy*, v. 115, 2022, 106013. <https://doi.org/10.1016/j.landusepol.2022.106013>

¹⁰ ADAM, A. G. “Systematic review of the changing land to people relationship and co-evolution of land administration”, *Heliyon*, v. 9, n. 10, 2023, e20637. <https://doi.org/10.1016/j.heliyon.2023.e20637>

¹¹ SULLIVAN, E. “Personal, not real: Manufactured housing insecurity, real property, and the law”, *Annual Review of Law and Social Science*, v. 18, n. 1, 2022, pp. 119-138. <https://doi.org/10.1146/annurev-lawsocsci-050520-094027>

¹² MANDA, S.; JEROLLEMAN, A.; MARINO, E. “Assumptions and understanding of success in home buyout programs”, *International journal of disaster risk reduction*, v. 95, 2023, 103863. <https://doi.org/10.1016/j.ijdr.2023.103863>

in leasing processes, where the efficiency of contract execution and termination determines the perception of the legitimacy of state regulation.

Although these studies identify key challenges within land administration systems, they mostly examine isolated elements of legal uncertainty, administrative fragmentation, or user vulnerability without explaining how these factors interact in real tenancy practice. A significant limitation of previous research is the absence of integrated analyses that would combine legal evaluation with empirical evidence drawn from actual lease agreements and practitioners' assessments. This analytical gap prevents a comprehensive understanding of how legal norms are implemented in practice and how administrative institutions influence lease stability. Abatechane et al.¹³ found that decentralization of land use rights in regions with unstable registration systems led to legal uncertainty and increased transaction risks. Bao et al.¹⁴ recorded that neglecting behavioural aspects in legal regulation contributed to decreased user compliance and increased number of violations of lease obligations. Adam¹⁵ emphasized the importance of a stable regulatory framework for the effectiveness of decentralized land administration, emphasizing the critical role of a clear division of powers between authorities. Sullivan¹⁶ showed that the legal vulnerability of users is increased in the absence of legal definition of the boundaries of the object. This conclusion has analogies in the lease of agricultural land with outdated cadastral data.

Manda et al.¹⁷ analysed the impact of the imbalance between legal procedures and citizens' expectations on the perception of justice. It was found that distrust in formalized mechanisms stimulated resistance to land policy, which indicated the need for legal updating of communication procedures between authorities and citizens. Khan et al.¹⁸ found that the lack of legal guarantees for the duration of the lease and the weakness of legal protection mechanisms made agricultural financing impossible under legal uncertainty. Salpina et al.¹⁹ proved that the effectiveness of land policy was determined by the adaptability of financial and legal mechanisms to the terms of the lease, in particular through the introduction of flexible tax, guarantee and institutional instruments.

Gilman²⁰ analysed the risks of digitalization in the field of land leasing. It was emphasized that in the absence of legal regulation, digital services can weaken the protection of small tenants, especially in case of unavailability of legal aid or the absence of unified standards for electronic document management. Wolsink²¹ emphasized the problem of harmonization of legal norms in the field of distributed energy. It was found that conflicts between national strategic goals and local

¹³ ABATECHANIE, M.; 2022. Ibid.

¹⁴ BAO, H. X.; 2022. Ibid.

¹⁵ ADAM, A. G. 2023. Ibid.

¹⁶ SULLIVAN, E. 2022. Ibid.

¹⁷ MANDA, S.; 2023. Ibid.

¹⁸ KHAN, F. U.; NOUMAN, M.; NEGRUT, L.; ABBAN, J.; CISMAS, L. M.; SIDDIQI, M. F. "Constraints to agricultural finance in underdeveloped and developing countries: a systematic literature review", *International Journal of Agricultural Sustainability*, v. 22, n. 1, 2024, 2329388. <https://doi.org/10.1080/14735903.2024.2329388>

¹⁹ SALPINA, D.; CASARTELLI, V.; MARENGO, A.; MYSIAK, J. "Financing strategies for the resilience of cultural landscapes. Lessons learned from a systematic literature and practice review", *Cities*, v. 162, 2025, 105922. <https://doi.org/10.1016/j.cities.2025.105922>

²⁰ GILMAN, M. E. "The Impact of PropTech and The Datafication of Real Estate on The Human Right To Housing", *Georgetown Law and Technology Review* (forthcoming 2025), University of Baltimore School of Law Legal Studies Research Paper, 2024. <http://doi.org/10.2139/ssrn.4958333>

²¹ WOLSINK, M. "Land Use as a Crucial Resource for Smart Grids-The 'Common Good' of Renewables in Distributed Energy Systems", *Land*, v. 13, n. 8, 2024, p. 1236. <https://doi.org/10.3390/land13081236>

regulatory constraints complicated the coordination of land leases for infrastructure facilities, indicating a lack of vertical legal coherence.

Schleicher and Hills²² analysed the legal difficulties that arose in situations of regulatory overload. The imposition of regulations and fragmented competence of government authorities caused legal uncertainty when drawing up lease agreements, especially in cases of adjacent or mixed land use. Baik et al.²³ focused on the legal consequences of landscape transformation. The authors emphasized that the lack of clear rules for compensation and protection of tenants in the event of a change in the purpose of land has contributed to the growth of social inequality and the exclusion of vulnerable groups from the legal field.

Setyo²⁴ analysed the impact of unstable tax regulations on lease relations. It was found that frequent changes in taxation weakened predictability and hindered long-term investment activity in the agricultural land market. Bartram et al.²⁵ revealed gaps in the legal framework for gender equality and social inclusion in the field of land tenure. Discriminatory barriers to access to land for women, the poor and marginalized groups contributed to institutional inequalities.

In addition to these studies, several comparative and regional analyses by Łobos-Kotowska and Stańko²⁶, Adenuga et al.²⁷, Stempka-Jaźwińska²⁸, Matys²⁹, Tekeli and Mereššová³⁰, Suchoń³¹, Wiryani et al.³², Kolotukha³³, Lazíková and Bandlerová³⁴, Obydenko et al.³⁵, Urkevych³⁶, Miskevych³⁷ and Blajer³⁸ provide

²² SCHLEICHER, D.; HILLS JR, R. M. "What is property law in an age of statutes and regulation? A review of the Property: Principles and Policies by Thomas Merrill, Henry Smith and Maureen Brady", SSRN, 2023. Available at: <https://ssrn.com/abstract=4407366> (accessed on 24 August 2025).

²³ BAIK, Y.; LI, L.; HALL, C. R.; FETCHEL, M. "An Update of the Literature Supporting the Economic Benefits of Plants: Part 3-The Downside of Increased Housing Prices", *Journal of Environmental Horticulture*, v. 43, n. 1, 2025, pp. 1-10. <https://doi.org/10.24266/0738-2898-43.1.1>

²⁴ SETYO, A. "Evaluation of Property Taxes and Their Impact on the Real Estate Market", *Golden Ratio of Taxation Studies*, v. 4, n. 2, 2024, pp. 57-67. <https://doi.org/10.52970/grts.v4i2.620>

²⁵ BARTRAM, R.; BROWN-SARACINO, J. "Sociology, Housing, and Gender", *Annual Review of Sociology*, v. 51, 2025. <https://doi.org/10.1146/annurev-soc-092724-025024>

²⁶ ŁOBOS-KOTOWSKA, D.; STAŃKO, M. 2024. Ibid.

²⁷ ADENUGA, A. H.; JACK, C.; MCCARRY, R. "The case for long-term land leasing: A review of the empirical literature", *Land*, v. 10, n. 3, 2021, pp. 238. <https://doi.org/10.3390/land10030238>

²⁸ STEMPIKA-JAŹWIŃSKA, C. "Model współczesnej dzierżawy rolniczej: [A model of the present-day lease of land]", *Studia Prawnicze/The Legal Studies*, v. 2, n. 60, 2023, pp. 107-129. <https://doi.org/10.37232/sp.1979.2.4>

²⁹ MATYS, J. 2022. Ibid.

³⁰ TEKELI, J.; 2023. Ibid.

³¹ SUCHOŃ, A. 2023. Ibid.

³² WIRYANI, F.; WAHID, D. N.; LUTHFI, M.; ANGGRAENY, I.; SIMAMORA, Y. S.; KURNIAWAN, F. "Problems associated with granting land rights owned by local government for community business utilization", *KnE Social Sciences*, v. 7, n. 15, 2022, pp. 441-458. <https://doi.org/10.18502/kss.v7i15.12116>

³³ KOLOTUKHA, I. O. 2022. Ibid.

³⁴ LAZÍKOVÁ, J.; 2022. Ibid.

³⁵ OBYDENKO, H. O.; KREDISOV, V. A.; KALCHENKO, S. V.; PETRENKO, V. A.; BOCHAROVA, N. O. "Economic security of agricultural enterprises in the trajectory of resource flow", *Studies of Applied Economics*, v. 39, n. 6, 2021, pp. 1-9. <https://doi.org/10.25115/eea.v39i6.5237>

³⁶ URKEVYCH, V. Y. 2020. Ibid.

³⁷ MISKEVYCH, L. R. 2020. Ibid.

³⁸ BLAJER, P. A. "Z rozważań nad aktualnym kształtem pierwokupu dzierżawcy nieruchomości rolnej w świetle ustawy o kształtowaniu ustroju rolnego", *Przegląd Prawa Rolnego*, v. 25, n. 2, 2020, pp. 127-138.

broader insights into European and Ukrainian lease frameworks. Although these works examine procedural clarity, economic security, renewal mechanisms and institutional capacity in land administration, they remain focused on narrow aspects of lease relations and do not offer an integrated assessment combining legal, contractual and administrative perspectives.

3. Methodology

The study covered three stages to identify key legal factors that influenced the interaction between government bodies and entities leasing agricultural land in Ukraine over the past five years. The analysis included legislative changes, administrative procedures, registration, cadastral mechanisms, and contractual practice.

The first stage involved a systematic, theoretical legal, interpretative and comparative analysis of the current legislation regulating the agricultural land lease. The provisions of the Land Code of Ukraine (LCU)³⁹, the Laws of Ukraine "On Land Lease"⁴⁰, "On the State Land Cadastre"⁴¹, "On State Registration of Real Rights to Real Estate and Their Encumbrances"⁴², "On Farming"⁴³ were studied. Particular attention is paid to the interpretation of legal norms in the context of the land reform of 2020–2023, which significantly affected the legal status of land users, the institutional competence of government bodies, the realization of property rights, and the structure of binding contractual relations.

The second stage covered the empirical part: a legal content analysis of 127 agricultural land lease agreements concluded in different regions of Ukraine was conducted, taking into account their compliance with the legislation, the formulation of conditions, terms, subject composition, and legal guarantees. Extracts from cadastral maps and legal registers, as well as 36 court decisions concerning disputes between tenants and state bodies (State Service of Ukraine for Geodesy, Cartography and Cadastre, n.d.) were studied. The analysis of lease agreements and case law followed predefined criteria, including legality of essential terms, clarity of boundaries, mechanisms of renewal, availability of sanctions, and procedural coherence with registration norms. Case law was systematized according to the type of dispute, legal consequences, and the interpretation of statutory provisions, which made it possible to identify recurring judicial approaches and regulatory inconsistencies.

³⁹ Verkhovna Rada of Ukraine. Land Code of Ukraine: Official edition with amendments introduced by Law of Ukraine No. 1657-IX of July 15, 2021. Official Bulletin of Ukraine, n. 68, 2021, art. 4253. Available at: https://ips.ligazakon.net/document/t012768?an=590447&ed=2021_08_20 (accessed on 18 September 2025).

⁴⁰ Verkhovna Rada of Ukraine. Law of Ukraine "On Land Lease" No. 161-XIV of October 6, 1998 (as amended on November 8, 2024), LIGA:ZAKON, 2024. Available at: <https://ips.ligazakon.net/document/T980161> (accessed on 18 September 2025).

⁴¹ Cabinet of Ministers of Ukraine. On amendments to the procedure for maintaining the State Land Cadastre: Resolution No. 6 of January 7, 2025. Official Bulletin of Ukraine, 2025, v. 3, 2025a, art. 105. Available at: <https://zakon.rada.gov.ua/laws/show/6-2025-%D0%BF?lang=en#Text> (accessed on 18 September 2025).

⁴² Cabinet of Ministers of Ukraine. On state registration of property rights to real estate and their encumbrances: Resolution No. 1127 of December 25, 2015 (as amended on January 1, 2025). Official Bulletin of Ukraine, 1, 2025b, art. 25. Available at: <https://zakon.rada.gov.ua/laws/show/1127-2015-%D0%BF?lang=en#Text> (accessed on 18 September 2025).

⁴³ Verkhovna Rada of Ukraine. Law of Ukraine "On Farming" No. 973-IV of June 19, 2003 (as amended on November 15, 2020), LIGA:ZAKON, 2020. Available at: https://ips.ligazakon.net/document/view/T030973?an=1130&ed=2020_07_21 (accessed on 18 September 2025).

The third stage provided for a semi-structured legal and sociological survey, where 42 specialists—representatives of communities, agricultural enterprises, notaries, land management, and legal services—were interviewed. Their legal assessment of the application of provisions, the efficiency of registration procedures, the availability of legal information, the problems of interaction with government bodies, as well as the functioning of mechanisms for monitoring and protecting the tenants' rights were studied. The interviews were analysed using a legal-thematic coding approach, which included categorizing responses into thematic clusters (procedural clarity, access to cadastral data, institutional consistency, administrative delays, and protection of rights). The coding procedure ensured systematic identification of typical patterns and divergences in expert evaluations. The sample of 42 experts was considered sufficient for qualitative saturation, as no new categories appeared after the 35th interview, which corresponds to established qualitative research methodology standards.

The ethical aspects of the study were in line with international standards of research ethics, including the principles of the American Sociological Association's Code of Ethics⁴⁴. No personal data was collected from respondents, and responses were summarized with an emphasis on identifying typical legal barriers and practical dysfunctions of institutional interaction. The voluntary nature of participation, anonymity, and written informed consent further ensured compliance with ethical requirements and increased the reliability of the qualitative data obtained.

3.1. Methods

Four complementary methods were used. System analysis and legal interpretation were used to assess the coherence of regulatory acts, identify conflicts, and gaps. Legal modelling made it possible to predict the consequences of legislative changes related to the opening of the land market and increased competition between tenants. Content analysis of contracts and court decisions revealed difficulties in formulating conditions, regulating terms, and termination of leases. Legal and sociological survey provided access to insider assessments of law enforcement practice. A legal-thematic coding approach was applied to the interview data to classify expert responses into analytical categories, including procedural clarity, access to cadastral information, consistency of institutional actions, and mechanisms for protecting tenant rights. The combination of these methods ensured a comprehensive assessment of both the normative framework and the real functioning of lease relations in practice, allowing legal, administrative, and behavioural factors to be analysed as an integrated system rather than isolated components.

3.2. Sample

The study analysed 127 lease agreements for state and municipal land concluded in 2020–2024 in 7 regions of Ukraine (Poltava, Vinnytsia, Cherkasy, Kirovohrad, Khmelnytskyi, Dnipropetrovsk, Odesa). The sample was based on a complete contract in the Unified State Register of Property Rights and the official status of the lessor. The inclusion criteria for contracts included: (1) formal registration in state databases; (2) clearly identified lessor and lessee; (3) availability of cadastral data; and (4) compliance with the study period. These criteria ensured consistency and legal comparability across regions. The number of 127 contracts was sufficient for identifying recurring legal patterns, as duplication

⁴⁴ American Sociological Association. Code of Ethics, 2023. Available at: <https://www.asanet.org/about/ethics/> (accessed on 18 September 2025).

of structural deficiencies and registration problems began to stabilise already after analysing the first 90 agreements.

The survey was conducted among 42 specialists—employees of community land departments, notaries, lawyers of farms, employees of the state cadastre, and representatives of agricultural companies. The expert sample was constructed to reflect the full cycle of lease procedures, including contract preparation, cadastral work, state registration, and legal enforcement. The number of 42 interviews reached qualitative saturation: no new thematic categories appeared after the 35th interview, which confirms the adequacy of the sample for qualitative legal research. Territorial representativeness was ensured by covering several regions and balancing the participants' roles in the lease procedures. This combination allowed for capturing both regional differences and institutional diversity, improving the reliability of expert assessments.

3.3. Instruments

Data collection and processing were provided by: SurveyMonkey—for surveys; Datawrapper—for visualization of contracts; Lex.land and OpenDataBot—for access to registers of rights and case law. Contract texts were processed manually using legal criteria for contract effectiveness: transparency, specificity of conditions, guarantees of the parties, and compliance with land legislation. Interview data were analysed using a brief legal-thematic coding scheme created in SurveyMonkey. Lex.land and OpenDataBot were used to verify cadastral identifiers and registration histories, ensuring accuracy of empirical data. Datawrapper supported the detection of recurring contractual deficiencies through structured visualization. This set of tools ensured consistent, verifiable, and methodologically transparent data processing.

4. Results

The legal regulation of agricultural land lease in Ukraine during 2020–2024 was significantly transformed as a result of land legislation reforms, the opening of the land market, and the delegation of some powers to local governments. This affected the procedure for the emergence, registration and implementation of lease legal relations, redistributed competences between state institutions and land users, and exacerbated the need for legal certainty, procedural clarity and transparency of interaction.

The basis of the legal regulation was the Land Code of Ukraine (as amended in 2020–2024), the Laws of Ukraine “On Land Lease” and “On the State Land Cadastre”, as well as Law No. 552-IX, which officially opened the agricultural land market. The regulation of access to cadastral data, updating contractual obligations, the status of communal land and increasing legal liability for violations in the field of lease were of particular importance.

Table 1 contains a list of key regulatory legal acts that shaped the legal field of lease relations in agriculture during the studied period.

Table 1. Key legislative acts in the field of agricultural land lease (2020–2024).

Document name	Year/ No.	Main provisions	Impact on interaction
Law No. 552-IX “On the Circulation of Agricultural Land”	2020	Moratorium lifted, circle of buyers defined, area restrictions	Need to revise long-term contracts; new functions of the state
Land Code of Ukraine (as amended in 2021–2023)	2021–2023	Decentralization of powers, transfer of land to communities	Strengthening the role of local government, reducing centralization

Document name	Year/ No.	Main provisions	Impact on interaction
Law "On Land Lease" with amendments No. 340-IX, No. 653-IX	2020–2022	Streamlining the procedure for contract renewal, simplification of registration	Partial reduction of administrative burden
Law "On the State Land Cadastre" (as amended in 2020–2024)	2020–2024	Implementation of electronic services, data updating	Increasing the accuracy of procedures, but increasing technical requirements

Source: created by the author based on^{45,46,47,48,49,50,51}.

The second stage of the study involved the analysis of 127 agricultural land lease agreements registered in open state registers in 2020–2024. Data sources were extracts from the Register of Property Rights and the public cadastral map collected from seven administrative regions of central and southern Ukraine. The analysis covered compliance with current legislation, the mandatory terms of the agreement, the level of legal certainty, and legal security of the parties.

Most of the agreements did not meet the mandatory requirements of the Law of Ukraine "On Land Lease" and articles of the Civil Code regarding the content of obligations. The terms were generalized: the terms of rent indexation, early termination mechanisms, and sanctions for violations were not specified. In 42% of the agreements, there was no regulation of indexation, and in 31%, the boundaries of the leased property were unclearly defined, with reference to outdated cadastral data.

No obligations were recorded regarding agricultural certification, land protection obligations, and liability for soil degradation. The predominant duration of contracts—up to 7 years—indicates a probable avoidance of state examination, as provided for in Art. 186-1 of the LCU. Most agreements were legally simplified: they did not provide for a payment schedule, renewal terms, or specific intended use.

Figure 1 illustrates the most common legal defects in the content of contracts that form critical areas of violation of the legal regime of lease.

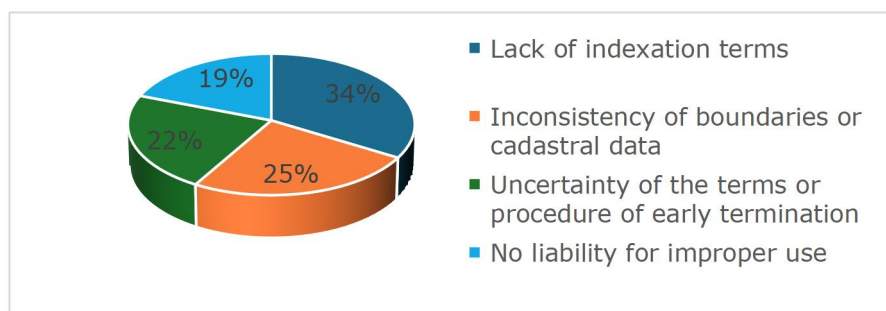


Figure 1. The most common shortcomings of lease agreements (% of the total)^{52,53,54,55,56}.

⁴⁵ Cabinet of Ministers of Ukraine. Land reform 2020–2023, n.d. Available at: <https://www.kmu.gov.ua/reformi/ekonomichne-zrostannya/zemelna-reforma> (accessed on 18 September 2025).

⁴⁶ Verkhovna Rada of Ukraine. 2020. Ibid.

⁴⁷ Verkhovna Rada of Ukraine. 2021. Ibid.

⁴⁸ Verkhovna Rada of Ukraine. 2024. Ibid.

⁴⁹ Cabinet of Ministers of Ukraine. 2025a. Ibid.

⁵⁰ Cabinet of Ministers of Ukraine. 2025b. Ibid.

⁵¹ KOLOTUKHA, I. O. "Alienation of an undeveloped municipal land plot under lease: Selected aspects", *Scientific Bulletin of Uzhhorod National University. Series: Law*, v. 69, 2022, pp. 103–107. <https://doi.org/10.24144/2307-3322.2021.69.17>

⁵² URKEVYCH, V. Y. "Renewal of the land lease agreement: Problems of theory and judicial practice", *Journal of the National Academy of Legal Sciences of Ukraine*, v. 27, n. 3, 2020, pp. 49–62. [https://doi.org/10.37635/jnalsu.27\(3\).2020.48-62](https://doi.org/10.37635/jnalsu.27(3).2020.48-62)

An analysis of lease agreements revealed that the most common legal shortcoming was the lack of a provision on rent indexation (42%), which created economic uncertainty and risks of litigation during periods of inflation. Another 31% of agreements contained errors in cadastral data or unclear definition of boundaries, which violated the requirements of state registration of rights and complicated the legalization of agreements.

In 28% of cases, the term of the agreement or the procedure for early termination was not specified, which undermined the stability of legal relations and made it impossible to exercise the rights of the parties. Another 24% of agreements lacked sanctions for improper use of land, which indicated an insufficient legal detail and low quality of legal support.

The case law for 2020–2024 confirmed the recurrence of legal conflicts, in particular: unauthorized use of land without registration of the contract, refusal to renew agreements despite compliance with the conditions, errors in the cadastre, which led to spatial collisions. Conflicts between decisions of local governments and central government bodies were frequent, especially when approving technical documentation. Courts were mostly guided by the fact of actual use, but law enforcement practice remained inconsistent, which indicated the lack of unified approaches to interpreting norms. This increased legal uncertainty and hindered the development of a stable rental market. Table 2 presents the classification of disputes, their legal consequences and systemic gaps that affect the formation of case law.

Table 2. Analysis of litigation in the field of agricultural land lease.

Type of dispute	Frequency (by number of cases, % of sample)	Consequences	Regulatory problem assessment
Unauthorized use without a registered contract	34%	Loss of lease rights, obligation to compensate for damages	Insufficient control over actual use
Refusal to renew the contract despite compliance with the terms	27%	Temporary cessation of land use, re-approval	Lack of a clear automatic renewal procedure
Cadastral errors and imposition of boundaries	21%	Judicial suspension of the contract, re-geodesy	Inaccuracies in the public cadastre and duplication of records
Conflicts of powers between local and state authorities	18%	Recognition of decisions as unlawful, transfer of powers to other bodies	Lack of a unified approach to documentation approval

Source: created by the author based on^{57,58,59,60,61}.

⁵³ KOLOTUKHA, I. O. 2022. Ibid.

⁵⁴ MATYS, J. "Leasing agricultural real property as one of the forms of managing the property of the Agricultural Property Stock of the State Treasury", *Nieruchomości*, v. 2, n. II, 2022, pp. 93–114.

⁵⁵ LAZÍKOVÁ, J.; BANDLEROVÁ, A. "Land lease in Slovakia in the light of the new legal regulations", *Przegląd Prawa Rolnego*, v. 30, n. 1, 2022, pp. 125–143.

⁵⁶ TEKELI, J.; MEREŠŠOVÁ, J. "New legislation on the lease of agricultural land by the municipality", *EU Agrarian Law*, v. 12, n. 1, 2023, pp. 15–21. <https://doi.org/10.2478/eual-2023-0003>

⁵⁷ Verkhovna Rada of Ukraine. 2024. Ibid.

⁵⁸ Cabinet of Ministers of Ukraine. 2025a. Ibid.

The results of a semi-structured survey of 42 land law specialists identified key legal and administrative barriers in interaction with state authorities. The most frequently mentioned were: excessive complexity of state registration procedures, delays in approvals, and difficult access to current cadastral data. These factors directly reduced the legal certainty of leased land plots and created risks for the stability of legal relations.

The activities of the State Geocadastre and amalgamated territorial communities (ATCs), which did not receive unified legal instructions after decentralization, which led to a gap in law enforcement at different levels of government, were most criticized. A low level of feedback and responsibility from state registrars was also recorded, which undermined trust in the system for protecting tenants' rights. At the same time, positive developments were noted in the implementation of electronic services, including online registration portals and geoplatforms. Despite technical limitations, they have partially simplified procedures and increased the accessibility of legal information.

Figure 2 presents the average scores of the effectiveness of state institutions obtained during the survey according to the criteria of legal clarity, transparency, speed of response, and informativeness of procedures.

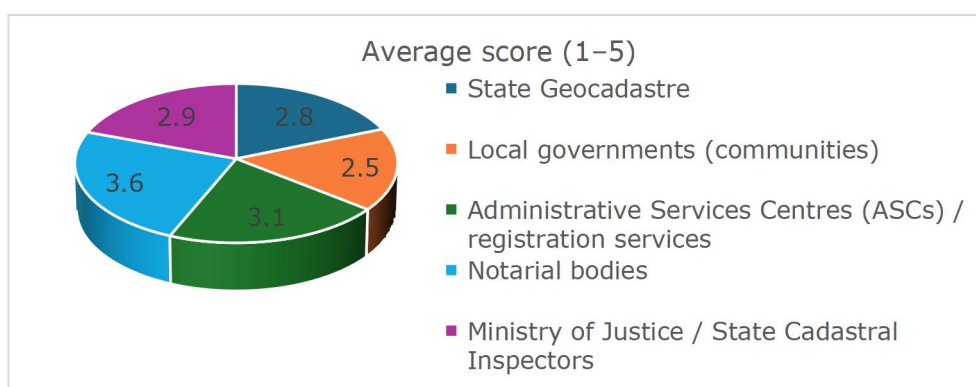


Figure 2. Subjective assessment of the quality of interaction with government bodies (scale 1–5).

The respondents rated interaction with local governments the lowest (2.5 points), which is explained by the lack of uniformity in the procedures for concluding contracts and the lack of clear legal explanations. The State Geocadastre (2.8 points) was criticized for delays in providing extracts from the cadastre and slow response to requests. The ratings for ASNs and registration services (3.1 points) indicated delays in registering rights and lack of information about the reasons for refusals. The Ministry of Justice and cadastral inspectors (2.9 points) were criticized for inconsistent application of norms. Notaries received the highest score (3.6 points), who ensured clear and predictable execution of documents.

The assessment was conducted according to the following criteria: speed of service provision, availability of information, consistency of application of norms, and transparency of procedures. Overall, the results indicate fragmentation of law enforcement practice, lack of coordination between the cadastre and the registry, and the absence of unified algorithms for interdepartmental interaction. This hinders the effective implementation of lease rights. The main identified barriers and possible directions for their elimination are systematized in Table 3.

⁵⁹ State Service of Ukraine for Geodesy, Cartography and Cadastre. Electronic services of the State Land Cadastre, n.d. Available at: <https://e.land.gov.ua> (accessed on 18 September 2025).

⁶⁰ URKEVYCH, V. Y. 2020. Ibid.

⁶¹ KOLOTUKHA, I. O. 2022. Ibid.

Table 3. Legal and administrative barriers in the field of lease and ways of their overcoming.

Legal qualification of the barrier	Manifestations	Consequences	Ways of overcoming	Source
Excessive duration of approvals and registration procedures	Delays of up to 2–3 months, resubmission of documents	Disruption of contract terms, loss of harvest	Digitalization of approvals, simplification of procedures	Law of Ukraine "On State Registration of Real Rights to Real Estate" Art. 15–17
Discrepancies between cadastral and registration data	Rejection of applications due to mismatch of cadastral number	Emergency litigation, delays in registration of rights	Unification of cadastral and registration databases	Law of Ukraine "On State Land Cadastre" Art. 18, 38
Lack of a unified procedure for interdepartmental interaction	Discrepancies in the actions of local governments, the State Geocadastre and registrars	Increasing costs of tenants, unpredictability of processes	Development of standard procedures for interaction between authorities	Land Code of Ukraine Art. 122, 186; Law No. 552-IX
Conflicts between legislation on lease and cadastre	Different interpretations of the norms regarding automatic renewal, indexation, etc.	Instability of the legal environment, decreased investment attractiveness	Harmonization of land and registration legislation	Land Code of Ukraine Art. 33; Law "On Land Lease" Art. 33

Source: created by the authors based on^{62, 63, 64, 65, 66, 67, 68, 69, 70}.

Legal modelling has shown that the key consequence of the legislative changes of 2020–2024 was the opening of the agricultural land market, which changed the balance of power in lease relations, increased competition and exacerbated the issue of long-term protection of the rights of small land users. the function of the state is being transformed In the new conditions: instead of administrative control, it must ensure legal predictability, transparency of transactions and guarantees of fair access to land resources.

Further development, forecast for 2025–2028, involves accelerating the digitalization of cadastral and registration procedures, introducing electronic circulation of lease rights, as well as unifying contractual practice. It is expected to increase control over the targeted land use, legal standardization of contracts, and simplification of approval procedures. These changes should provide a new architecture of interaction between government agencies and tenants. Table 4 presents scenarios for future transformations.

⁶² Verkhovna Rada of Ukraine. 2021. Ibid.

⁶³ Verkhovna Rada of Ukraine. 2024. Ibid.

⁶⁴ Cabinet of Ministers of Ukraine. 2025a. Ibid.

⁶⁵ Cabinet of Ministers of Ukraine. 2025b. Ibid.

⁶⁶ Cabinet of Ministers of Ukraine. n.d. Ibid.

⁶⁷ LAŽÍKOVÁ, J.; 2022. Ibid.

⁶⁸ ŁOBOS-KOTOWSKA, D.; STAŃKO, M. "Selected aspects of the agricultural land lease under public law", *Przegląd Prawa Rolnego*, v. 2, n. 35, 2024, pp. 145–161.

⁶⁹ SUCHOŃ, A. "Lease Stability in Agricultural Land: Legal Instruments in Poland and Selected European Countries", *Indonesian Comparative Law Review*, v. 6, n. 1, 2023, pp. 15–34. <https://doi.org/10.18196/iclr.v6i1.19896>

⁷⁰ TEKELI, J.; 2023. Ibid.

Table 4. Projected implications for government-tenant interactions (2025–2028).

Expected change	Legal basis / expected legislation	Likely consequences for tenants
Introduction of mandatory electronic registration of lease agreements	Amendments to the Law of Ukraine No. 1952-IV "On State Registration of Real Rights to Real Estate" are expected	Simplification of the conclusion procedure, reduction of time spent
Integration of cadastral and registration systems into a single database	A resolution of the Cabinet of Ministers of Ukraine on the integration of the cadastre and the register of rights is expected	Fewer rejections because of technical inconsistencies
Introduction of automatic indexation of rent in contracts by default	Amendments to Article 21 of the Law of Ukraine "On Land Lease" are expected	Increasing transparency of rent calculation
Unification of interdepartmental approval procedures for communities and the State Geocadaastre	An order of the Ministry of Agrarian Policy on uniform standards for the approval of documentation is expected	Reduction of administrative burden
Definition of a separate administrative procedure for contract renewal	An amendment to the Land Code of Ukraine, Chapter VII is expected	Reduction of the number of disputes regarding the legality of renewal

Source: created by the authors based on^{71,72,73,74,75,76,77,78,79,80}.

The analysis of the predicted consequences showed that the effectiveness of interaction between government bodies and tenants in 2025–2028 will depend on the reform of the legal, procedural, and digital spheres. The most likely step was identified as the full digitalization of cadastral and registration procedures (90%), which should ensure automated transactions, reduce the scope for legal conflicts and accelerate the legalization of rights.

The introduction of electronic circulation of lease rights (80%) and standardization of the content of contracts (78%) were also highly likely, which would reduce legal fragmentation and ensure the unity of law enforcement practice. The risks of increasing pressure on small tenants (70%) emphasized the need for regulatory strengthening of their legal protection, in particular the right to renew the contract and the stability of lease terms.

The priority measures include: simplifying registration procedures, opening access to updated cadastral data and increasing the legal responsibility of local governments for ensuring legality in lease processes.

5. Discussion

The study confirmed that the stability of leases depends on the transparency of procedures, the consistency of the regulatory framework and the efficiency of

⁷¹ Cabinet of Ministers of Ukraine. n.d. Ibid.

⁷² Verkhovna Rada of Ukraine. 2024. Ibid.

⁷³ Cabinet of Ministers of Ukraine. 2025a. Ibid.

⁷⁴ Cabinet of Ministers of Ukraine. 2025b. Ibid.

⁷⁵ ŁOBOS-KOTOWSKA, D.; STAŃKO, M. 2024. Ibid.

⁷⁶ SUCHOŃ, A. 2023. Ibid.

⁷⁷ TEKELI, J.; 2023. Ibid.

⁷⁸ LAŽÍKOVÁ, J.; 2022. Ibid.

⁷⁹ MISKEVYCH, L. R. "Registration procedures in the mechanism of water bodies transfer for use under lease", Actual Problems of Improving of Current Legislation of Ukraine, v. 30, n. 54, 2020, pp. 89–100.

⁸⁰ URKEVYCH, V. Y. 2020. Ibid.

registration actions. This is consistent with the findings of Łobos-Kotowska and Stańko⁸¹, which emphasized the role of clear procedures in preventing legal delays and contradictions. It was found that the inconsistency of cadastral and registration mechanisms reduces the legal protection of the parties. Analysis of contracts showed that short lease terms (up to 7 years) do not stimulate investment, as they do not provide legal guarantees. This is also confirmed by the data of Adenuga et al.⁸², which indicate a relationship between the duration of the lease and the volume of capital investments.

Difficulties with the registration of contracts, in particular due to inconsistencies in cadastral data and conflicts of authority between local governments and the central government, became more urgent in Ukraine after the decentralization reform and the transfer of land to communal ownership (Law No. 1423-IX). This confirms the observations of Stempka-Jaźwińska⁸³, who analyses the multi-level lease model as a source of institutional risks in transitional systems. In Ukraine, the number of litigation because of unclear terms of contracts has also increased, which corresponds to the arguments of Matys⁸⁴ on the need for legal standardization of lease agreements. The problem of contracts without competitive selection for participants in government programmes, which arose after the introduction of the agricultural land market (Law No. 552-IX).

Finally, the results of legal modelling in Ukraine showed the vulnerability of small tenants who lost some of their protection as a result of the transition to a market model. This is similar to the conclusions of Tekeli and Mereššová⁸⁵ regarding the risks of introducing contractual mechanisms without proper demarcation of public and private competence in the new conditions.

The need to stabilize tenants' rights is consistent with the conclusions of Suchoń⁸⁶, who analysed the experience of Poland and the EU, emphasized that legal stability is critically important for agrarian development. In Ukrainian realities, frequent changes in contract terms, the absence of a legal succession mechanism, and the increase in controversial situations after the introduction of the land market indicate the need for regulatory consolidation of long-term guarantees. Insufficient efficiency of using communal lands as a resource for local entrepreneurship correlates with the position of Wiryani et al.⁸⁷ on the vulnerability of the legal regime of municipal plots in states with fragmented land management systems. In Ukraine, this is manifested in the procedural imbalance after the transfer of land to communities (Law No. 1423-IX), which confirms the observations of Kolotukha⁸⁸ on the unclear status of undeveloped plots when changing users.

Similar difficulties were also recorded in other Eastern European countries. In particular, Lazíková and Bandlerová⁸⁹ showed that in Slovakia the updated rules did not eliminate conflicts of interest between the lessor and the tenant in cases of early termination or transformation of the contract—a situation that is largely repeated in Ukraine because of the unclear boundary between state and local control. The risks to the economic security of small agricultural producers is still a separate challenge. The loss of access to land, intensified by competition from large agricultural enterprises, threatened the stability of small farms, which is confirmed by Obydenko et al.⁹⁰ in the context of the risk of land grabbing. The problem of

⁸¹ ŁOBOS-KOTOWSKA, D.; STAŃKO, M. 2024. Ibid.

⁸² ADENUGA, A. H.; 2021. Ibid.

⁸³ STEMPKA-JAŹWIŃSKA, C. 2023. Ibid.

⁸⁴ MATYS, J. 2022. Ibid.

⁸⁵ TEKELI, J.; 2023. Ibid.

⁸⁶ SUCHOŃ, A. 2023. Ibid.

⁸⁷ WIRYANI, F.; 2022. Ibid.

⁸⁸ KOLOTUKHA, I. O. 2022. Ibid.

⁸⁹ LAZÍKOVÁ, J.; 2022. Ibid.

⁹⁰ OBYDENKO, H. O.; 2021. Ibid.

contract renewal remained relevant: the lack of automatic renewal mechanisms and unclear terms provoked conflicts, which is consistent with the position of Urkevych⁹¹ on the shortcomings of state policy in the field of leases.

The key administrative barrier was the complex and slow registration procedure, in particular because of the inconsistency of cadastral boundaries. This correlates with the study by Miskevych⁹², which analysed similar difficulties in the field of water lease as a manifestation of the general inefficiency of public administration in the land sector. The mechanism of preferential right remained problematic: most often it was not implemented or had a declarative nature, which is consistent with the conclusions of Blajer⁹³ about its low effectiveness given weak law enforcement practice.

The generalization of the results demonstrated the systemic nature of the existing problems, which coincide with international observations and emphasize the need for a deep reform of the legal field of agricultural lease. Economic instability and staff shortages at the local government level, which were indicated by Pasichnyi et al.⁹⁴ and Sydorchuk et al.⁹⁵, increase risks in the field of land use, reducing the institutional capacity to guarantee sustainable and transparent lease policies.

6. Limitations

The study was limited by its focus on open registers of only seven regions, a limited sample of court decisions, and incomplete coverage of specialists, which makes it impossible to form fully representative conclusions at the national level. The qualitative analysis of expert interviews was restricted by the scope of thematic coding, which did not allow for deeper reconstruction of individual case histories or institutional practices.

In addition, the ongoing impact of Russia's invasion of Ukraine constrained data availability in several regions, reduced access to updated cadastral information, and may have influenced the stability of institutional procedures, which should be considered when interpreting the findings.

7. Recommendations

It is recommended to expand the geography of the sample, involve representatives of government bodies at different levels, conduct an analysis of the effectiveness of standard contracts, and develop a model of unified interaction between institutions, with a special emphasis on the digitalization of procedures and the protection of small tenants. Further research should incorporate deeper qualitative analysis of expert interviews, including thematic reconstruction of case-specific administrative practices. It is also advisable to assess the resilience of land administration procedures under the conditions of Russia's invasion of Ukraine, particularly

⁹¹ URKEVYCH, V. Y. 2020. Ibid.

⁹² MISKEVYCH, L. R. 2020. Ibid.

⁹³ BLAJER, P. A. 2020. Ibid.

⁹⁴ PASICHNYI, R.; BYKOVA, A.; NEKHAI, V.; VYCHIVSKYI, P.; MOSORA, L.; AKIMOVA, L. "International migration of human resources in the conditions of geo-economic transformations as the main influence on the components of sustainable development of Ukraine in the context of national security", *Edelweiss Applied Science and Technology*, v. 8, n. 6, 2024, pp. 1354–1365. Available at: <http://biblio.umsf.dp.ua/xmlui/handle/123456789/6883> (accessed on 18 September 2025).

⁹⁵ SYDORCHUK, O.; KHARECHKO, D.; KHOMENKO, H.; AKIMOVA, L.; KOSAREVYCH, N.; AKIMOV, O. "Competencies for sustainable financial and economic management: Their impact on human capital development and national security", *Edelweiss Applied Science and Technology*, v. 8, n. 6, 2024, pp. 1445–1454.

regarding access to cadastral data, continuity of registration actions and institutional capacity at the local level.

8. Conclusion

The study confirmed the decisive influence of legal factors on the effectiveness of interaction between government agencies and tenants in the field of agricultural leasing. Despite the regulatory changes of 2020–2024, which declared liberalization and decentralization, there are still significant procedural barriers and legal uncertainties. Analysis of 127 contracts revealed low detail of terms, which increases risks for the parties, and case law has shown typical disputes regarding renewal, cadastral discrepancies, and conflicts of authority. The survey results revealed low trust in local authorities and the State Geocadastre, but a positive assessment of notarial acts and partial approval of digital services. Integrated analysis confirmed that the duration of approvals, the lack of unified procedures and technical inconsistency of data remain critical. Legal modelling made it possible to predict the strengthening of the role of communities, the introduction of electronic circulation of rights and standard forms of contracts as key vectors of reforms. The wartime context additionally constrains institutional capacity and access to updated cadastral information, which should be considered when interpreting the practical implications of the findings. The academic novelty is the complex combination of regulatory analysis, empirical assessments and predictive models. The practical significance is using the results to improve legal regulation, simplify procedures, and create unified templates of lease agreements. Further development of the field requires deeper qualitative analysis of administrative practices and assessment of institutional resilience under conditions of legal and infrastructural instability.

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