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ASPECTS OF LEGISLATION ON THE OPENING OF THE LAND MARKET IN UKRAINE

It has been repeatedly noted in scientific works that land reform in Ukraine was aimed at overcoming the monopoly of state ownership of land, creating appropriate conditions for equal development of various forms of management, rational use and protection of land, the formation and development of effective market turnover. Land

reform has changed the nature and character of land relations in Ukraine and led to the emergence of a mechanism of market circulation of land as a new institution of land law [1, p. 128].

In March 2020, the Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine Concerning the Conditions of Circulation of Agricultural Land» was adopted. This law removes the moratorium and allows owners of agricultural land to dispose of their property at their own discretion. However, there are a number of issues to clarify and interpret the rules that establish the rules of land circulation. First of all, it is aimed at ensuring that the land market is fully operational from July 2021.

A study by the National Agency for the Prevention of Corruption (NAPC) in Ukraine found that the land market is currently the country's most shadowy market, valued at tens of billions of dollars. Due to the 20-year moratorium, the circulation of Ukrainian land is still illegal.

The moratorium on agricultural land covered 66% of Ukraine's territory. Given that Ukraine has 42 million hectares of agricultural land, the vast majority of them, 41 million hectares, are subject to a moratorium. The last two thirds (27 million hectares) are land plots (shares) distributed in the 1990s among 6.9 million collective farm workers and collective farm retirees who have not had the right to sell land for the last 20 years [5, 6]. Their constitutional right to dispose of their property was violated. In the process of exercising the constitutional right to dispose of land, more than a million people died who could not use it in the same way.

Schemes have become widespread in Ukraine:

- unauthorized seizure of state and communal lands;
- concluding «agreements on joint activities» for the use of land plots of state and communal property;
 - use of the tool «free privatization» for the withdrawal of land assets.

Analyzing this situation, we understand that the extension of the moratorium on the sale of agricultural land may lead to the fact that in a few years its abolition will be unnecessary, as most of the land will become the property of agricultural enterprises. Right now we need to think about what will give Ukraine a free sale of land, and what risks and opportunities it carriesSchemes have become widespread in Ukraine:

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Analyzing this situation, we understand that the extension of the moratorium on the sale of agricultural land may lead to the fact that in a few years its abolition will be unnecessary, as most of the land will become the property of agricultural enterprises. Right now we need to think about what will give Ukraine a free sale of land, and what risks and opportunities it carries. Proponents and opponents of the land market usually go to extremes and promise either a mandatory collapse and social explosion in the countryside, or immediate prosperity and multibillion-dollar investment. Proponents and opponents of the land market usually go to extremes and

promise either a mandatory collapse and social explosion in the countryside, or immediate prosperity and multibillion-dollar investment [2, p. 25].

The Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine Concerning the Conditions of Circulation of Agricultural Lands» adopted in 2020 removes the moratorium and gives the right to owners of agricultural lands to dispose of their land plots at their own discretion [3].

The Law of Ukraine «On Amendments to Certain Legislative Acts of Ukraine Concerning the Conditions of Circulation of Agricultural Lands» amends Art. 130 of the Land Code of Ukraine, in particular in terms of acquisition and termination of ownership of agricultural land [3, 4].

The introduction of certain changes is gradual and will be considered in two ways:

Option 1 – agricultural land will be transferred to the newly created National Agency for Agricultural Land Management, where they will not be sold, but only leased through transparent auctions. The income will go to the budget of Ukraine,

Option 2 is the full privatization of these lands into private ownership, except for critical infrastructure facilities, such as nuclear power units, military facilities, and so on.

The land market in Ukraine will be launched in several stages with planned dates are:

1st stage. From July 1, 2021, only individuals who are citizens of Ukraine will be able to buy land. The maximum size should be 100 hectares per person. This will give an opportunity to the citizens of Ukraine to legally donate, sell a land plot, a land share - without restrictions in terms of the order. However, there will be a clear restriction that the turnover of land and concentration in one hand may not exceed 100 hectares.

2nd stage. From January 1, 2024, in addition to individuals, land ownership will also be available to legal entities created and registered under the legislation of Ukraine, participants (shareholders, members) of which are only citizens of Ukraine and / or the state, and / or territorial communities, territorial communities and the state. The maximum size is set by law - 10 thousand hectares.

According to the legislation of Ukraine, there is no set limit on the sale price of land. However, until January 1, 2030, the sale price of agricultural land allocated in kind to owners of land shares may not be lower than their regulatory monetary assessment, which will be conducted by a representative of the State Geocadastre for soil analysis on various parameters.

The opening of the land market in Ukraine was one of the requirements for economic rapprochement between the EU and Ukraine and for obtaining an IMF loan. Currently, the European Union expects the parliament and government to adopt and implement three more land laws: decentralization of land management, state e-auction and the establishment of an independent Partial Lending Fund to increase access to flexible financing for small farms.

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ЗЛОВЖИВАННЯ СУБ'ЄКТИВНИМ СІМЕЙНИМ ПРАВОМ

Категорія зловживання суб'єктивним сімейним правом залишається не досить дослідженою в сімейно-правовій науці, не зважаючи на її актуальність та важливість для розвитку сучасної доктрини. Так, у юридичній літературі загалом висвітлюються різні підходи до правового розуміння зловживання суб'єктивним правом взагалі. Аналіз проблеми зловживання правом тісно пов'язаний із необхідністю з'ясування самого поняття «суб'єктивне право». Межа суб'єктивного права як моделі поведінки, визначається тими правомочностями, які входять до