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LEGAL REGULATION OF THE RATIONAL USE OF SELF-SEEDED FORESTS ON AGRICULTURAL LAND AS THE BASIS OF MANAGEMENT

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ПРАВОВЕ РЕГУЛЮВАННЯ РАЦІОНАЛЬНОГО ВИКОРИСТАННЯ САМОСІЙНИХ ЛІСІВ НА ЗЕМЛЯХ СІЛЬСЬКОГОСПОДАРСЬКОГО ПРИЗНАЧЕННЯ ЯК ОСНОВА УПРАВЛІННЯ ЛІСОВИМИ РЕСУРСАМИ

This article analyzes the main legal documents regulating the rational use of self-seeded forests on agricultural land, identifies three main elements of the legal regime of self-seeded forests, and forms a generalized classifier of legal norms in the field of forest protection according to their content. The main goal of the study is to systematize the legal framework related to the management of self-seeded forests on agricultural lands. All the legal norms specified in the article represent a symbiosis of the priority areas of forestry with established rules and defined generally accepted principles. Economic, social and ecological aspects of the forest industry are taken into account, with the awareness of the equal value of each component. Management of self-sowing forests requires a systematic approach and, first of all, it is necessary to have a systematized base of regulatory and legal support. The analysis of legal documents was carried out with comments on each article and point, which relate to the regulation of the rational use of self-seeded forests on agricultural lands. Systematization of literary sources and research of the legislative framework of the forest industry showed that the preservation of self-seeded forests on agricultural lands is considered one of the main directions for increasing the forest cover of the country. This direction of state policy is actively supported by the public and, no less importantly, corresponds to the global trends of greening of economic activity against the background of the global environmental crisis. In order to implement economic activities related to self-seeded forest, it is necessary to have a clear idea of the legal regime of self-forested territories. The urgency of solving this scientific problem is to form a conceptual model of the regulatory framework of the forest industry through the prism of rationality. It is impossible to rationally and effectively use the forest resource potential of the country without regulatory and legal support. The problem of this study also lies in the fact that self-seeded forests de jure are agricultural lands, and de facto they are full-fledged forest ecosystems, and this requires coordination through the adoption of legislative decisions. The concept of rational forest management, close to natural rather than economic, can ensure a moderate quality of habitat throughout the territory, if a set of basic standards is applied through their clear legal definition.

У статті проаналізовано основні нормативно-правові документи, що регулюють раціональне використання самосійних лісів на землях сільськогосподарського призначення, визначено три основні елементи правового режиму самосійних лісів та сформовано узагальнений класифікатор правових норм у сфері охорони лісів за їх зміст. Основною метою дослідження є систематизація законодавчої бази щодо ведення самосійних лісів на землях сільськогосподарського призначення. Усі зазначені у статті правові норми являють собою симбіоз пріоритетних напрямів ведення лісового господарства із встановленими правилами та визначеними загальноприйнятими принципами. Враховуються економічні, соціальні та екологічні аспекти лісової промисловості з усвідомленням рівноцінності кожного компонента. Ведення самосійних лісів потребує системного підходу і, перш за все, необхідно мати систематизовану базу нормативно-правового забезпечення. Проведено аналіз нормативно-правових документів із коментарями до кожної статті та пункту, які стосуються регулювання раціонального використання самосійних лісів на землях сільськогосподарського призначення. Систематизація літературних джерел та дослідження законодавчої бази лісової галузі показали, що збереження самосійних лісів на сільськогосподарських землях вважається одним із основних напрямків збільшення лісистості країни. Цей напрямок державної політики активно підтримується громадськістю та, що не менш важливо, відповідає загальносвітовим тенденціям екологізації господарської діяльності на тлі глобальної екологічної кризи. Для здійснення господарської діяльності, пов'язаної із самозасіванням лісу, необхідно мати чітке уявлення про правовий режим самозаліснених територій. Актуальність вирішення даної наукової проблеми полягає у формуванні концептуальної моделі нормативно-правової бази лісової галузі через призму раціональності. Без нормативно-правового забезпечення неможливо раціонально та ефективно використовувати лісоресурсний потенціал країни. Проблема даного дослідження також полягає в тому, що самосійні ліси де-юре є сільськогосподарськими угіддями, а де-факто — повноцінними лісовими екосистемами, і це потребує узгодження через прийняття законодавчих рішень. Концепція раціонального лісокористування, наближена до природного, а не до економічного, може забезпечити стійке середовище існування на всій території, якщо застосовувати набір базових принципів через їх чітке законодавче визначення.

Key words: forest legislation, forest management, legal regime of forests, legal regulation of self-seeded forest, rational forest use, self-forested territories.

Ключові слова: лісове законодавство, лісовпорядкування, правовий режим лісів, правове регулювання самосійних лісів, раціональне лісокористування, самозаліснені території.

INTRODUCTION

All self-seeded forests in Ukraine require primary basic forest management, which requires significant work and costs for the inventory of self-sown forests and, first of all, a clearly established legal field. It is possible to systematize legislation that serves as an institutional reference point for forest management. The purpose of this article is to analyze the legal support for the regulation of forest resources, namely self-sowing forests, the definition of the concept of "self-sowing forests", the determination of the principles of forest management in relation to the object of research (forested areas) and the characteristic features of the ownership of forests in Ukraine with the help of current legislation and theoretical researches of domestic scientists. The article highlights the problems of the imperfection of legal support and reveals directions for improvement of regulatory and legal documents. In the conditions of reforming legislation in the field of forestry, little attention is paid in the scientific literature to the ecological orientation and rationality of the use of forest resources in Ukraine. Various aspects of regulatory support for the use of self-seeded

forests on agricultural land, including natural objects and complexes, were studied by the following scientists: Bondarchuk N., Karakasha I., Mendyk L., Mingazutdinov I., Stepchuk Ya., Savchuk O., Storchous O., Zaveryuga M. and others.

LITERATURE REVIEW

The article analyzes the forest legislation and theoretical aspects of the rational use and management of forests through the study of the scientific literature of leading scientists in the study of forest resource management. The only body of legislative power in Ukraine is the parliament — Verkhovna Rada of Ukraine according to Article 75 of the Constitution of Ukraine [3]. On the website of the State Enterprise "Forests of Ukraine" a list of legal acts operating in the field of forestry is defined [12]: Forest Code of Ukraine, Land Code of Ukraine, Civil Code of Ukraine, Economic Code of Ukraine, Laws of Ukraine "On the nature reserve fund", "On the protection of the natural environment", "On the animal world", "On the plant life", "On the protection of lands", "On the Basic principles (strategy) of the state environmental policy of Ukraine on period until 2030",

resolution of the Cabinet of Ministers of Ukraine dated July 27, 1995 № 555 "On Approval of Sanitary Rules in the Forests of Ukraine", dated May 12, 2007 № 724 "On Approval of Rules for Improving the Quality of Forests", dated May 23, 2007 № 761 "On settlement of issues regarding the special use of forest resources", dated May 16, 2007 № 733 "On approval of the Procedure for dividing forests into categories and allocation of specially protected forest areas, which are subject to publication in the form of open data", dated March 3, 2021 № 179 "On the approval of the National Economic Strategy for the period until 2030", order of the Cabinet of Ministers of Ukraine dated April 21, 2021 № 4 "On the approval of the National Action Plan for Environmental Protection for the period until 2025".

RESULTS

The procedure for implementation of forest management, which is effective from February 2023, defines a single system and conditions for the organization and implementation of forest management. Forest management by species is divided into primary basic and secondary basic. Changes may be made to the materials of the primary basic and repeated basic forest management for the purpose of maintaining up-to-date tax and cartographic databases that contain quantitative and qualitative information about forest areas, and for the purpose of producing up-to-date forest management materials. Primary basic forest management is carried out in forests that are managed for the first time. During its implementation, forest taxing works are carried out with the use of instrumental measurements, the establishment of the necessary number and types of trial areas, survey and research of forest natural complexes, identification of virgin forests, quasi-virgin forests, natural forests, typical and unique natural complexes, places of growth and settlement of rare and such, which are under threat of extinction, species of animal and plant life and which are subject to bequest, inclusion in the ecological network, special protection in certain areas in accordance with regional (regional) lists, and other works determined by the decision of the first forest management meeting in accordance with the technical documentation on implementation of forest management. Repeated basic forest management is carried out in previously managed forests. During its implementation, the intra-farm organization is partially adjusted, forest taxing works are carried out, the necessary number of trial areas is laid, a re-examination of all trial areas that have survived from the previous

forest management, survey and research of forest natural complexes, identification of places of growth and settlement of rare and endangered species is carried out under the threat of extinction, species of animal and plant life and the performance of other works determined by the decision of the first forest management meeting in accordance with the technical documentation on implementation of forest management. The term of repetition of basic forest management for forest management objects with an area of 100 hectares and more is 10 years, for forest management objects with an area of up to 100 hectares — 20 years [11].

The rationality and efficiency of forest use depends to a large extent on the legal basis. The Constitution of Ukraine, laws, bylaws, including departmental acts, as well as agreements or contracts form the legal basis for the use of forests. The central place in this list is occupied by the Forest Code of Ukraine [2], which regulates the main issues of forest use.

Forests are a component of natural resources, therefore the Law of Ukraine "On Environmental Protection", which establishes the main provisions on the regulation of the use of natural resources, occupies not the least place in the importance of normative legal documents regulating the use of forests [1].

Article 38 of the aforementioned law provides for the division of types into general and special use of natural resources. The basic principles of natural resources use are set out in Article 3. Article 68 defines the object and subject composition, provides for liability for violation of the law in the process of using natural resources and describes the general legal regime of use. No less important information is described in Article 9, namely that every citizen of Ukraine has the right to an environment that is safe for his or her life and health, and the forest is the most effective environmental filter for clean air and groundwater. At the same time, Article 12 specifies the responsibilities of citizens in the field of environmental protection[1]:

1) to preserve nature, protect and rationally use its wealth in accordance with the requirements of environmental protection legislation;

2) to carry out activities in compliance with environmental safety requirements, other environmental standards and limits on the use of natural resources [4];

3) not to violate environmental rights and legitimate interests of other entities;

4) pay fines for environmental violations;

5) compensate for damage caused by pollution and other negative impact on the environment.

The Forestry Code of Ukraine establishes the legal framework for the use, conservation and protection of forests. This legal act defines general provisions, rights to forests, including ownership and use rights, highlights issues related to state regulation and management in the field of forest relations, functional division of forests, state forest cadastre and forest accounting, forest monitoring, forest reproduction, measures to increase productivity, improve the quality of forests and conserve biodiversity in forests, control over the use and reproduction of forests, financing of forestry activities, economic incentives. In particular, Article 1 highlights the following institutions: "All forests on the territory of Ukraine, regardless of the categories of land on which they grow according to their main purpose, and regardless of their ownership, constitute the forest fund of Ukraine and are under state protection", which means that self-sown forests certainly form the forest fund of Ukraine, even though they grow mainly on agricultural land. Also, the phrase "under state protection" entails the understanding that, from a legal point of view, it is not possible to uproot self-sown forests and plant agricultural crops instead [2].

Starting from 2022, Article 1 of the Forest Code of Ukraine defines the concept: "Self-forested land plot is a land plot of any category of land (except for forestry, nature reserve and other environmental protection land) with an area of more than 0.5 hectares, covered partially or completely with forest vegetation, which was naturally reforested". Another definition also mentions the concept of "self-forested": "Other forested lands — land plots covered with forest vegetation, thickets of perennial woody shrubs, including self-forested land, and not provided for forestry" [2].

The Land Code of Ukraine is another legal act that is part of this legal framework for forest use. Chapter 11 regulates the legal regime of lands covered with forest vegetation classified as forestry lands [4].

The Resolution of the Cabinet of Ministers of Ukraine "On the approval of the Forest Reproduction Rules" [7] contains many points that regulate the rational use of self-sown forests. In particular, clause 1 states that these Rules regulate relations regarding forest reproduction aimed at creating highly productive and highly protective stands through the development and implementation of a set of forestry and agrotechnical measures. This clause once again confirms the benefits of self-sown forests, which are already highly productive ecological complexes created

naturally with high protective properties of stands. Clause 6 refers to achieving optimal forest cover by creating new plantations in the shortest possible time using the most economically and environmentally sound methods and technologies. The preservation of self-seeding forests meets the requirements of this paragraph to the maximum extent possible. Clause 12 states that forest restoration is provided by natural, artificial and combined methods. The natural method is undoubtedly a priority. Clause 40 lists the lands where reforestation is carried out. In particular, on degraded and unproductive agricultural lands subject to conservation by afforestation, as well as lands unsuitable for agricultural use (ravines, gullies, steep slopes, rocky placers, sands). Self-sown forests were formed on agricultural land because the land was not used for its intended purpose for a long time for one reason or another.

The Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Rules for Improving the Quality of Forests" defines the basic requirements for forestry measures aimed at increasing the sustainability and productivity of stands, preserving forest biodiversity, rehabilitating forests and enhancing protective, sanitary, health and other functions through felling for forest formation and rehabilitation [6].

The legal framework for regulating the rational use of forests is also provided by the Cabinet of Ministers' Resolution "On Approval of the Regulation on State Forest Protection" and the Resolution "On Approval of the Procedure for Maintaining the State Forest Cadastre and Forest Accounting" [5, 8].

Rational use of forests is accompanied by the regulation of legal relations arising from the ownership, use, disposal of forests, their reproduction, protection, etc. It is known that forestry lands may be in state, municipal and private ownership. Forest lands are divided into forest lands (those covered with forest vegetation, as well as forest roads, clearings, firebreaks, etc.), non-forest lands (those covered with structures related to forestry, power lines, underground utilities, etc.) and agricultural lands, swamps and water bodies. The object of forest relations is the forest fund of Ukraine and individual forest plots. The subjects of such legal relations are state authorities, local governments, legal entities and citizens. It follows that the legal regulation of the rational use of self-sown forests should be considered in the general form of the legal regime of forest use [13, 25].

The legal regime of forests embodies the procedure and conditions for the use of forest



Figure 1. Elements of the legal regime of forests

Note: formed by the author based on [13].

resources established by legal norms, the implementation of state administration, control and compliance with forest and environmental legislation, ensuring the protection of the rights of forest owners and forest users, maintaining forest cadastre, monitoring forest resources, collecting fees for forest use and applying legal liability for violations of legislation on the protection and use of forests. The legal regime of forests is a rather broad concept, so it is advisable to divide it into elements, as Bondarchuk N.V. in his scientific work [13].

In other words, the elements of the legal regime of forests are forest ownership and forest use rights, management of forest use and protection, legal protection of forests and liability for violation of forest legislation.

Forest ownership is the central institution of forest law and is an important institution of environmental law. Forest ownership is understood in both objective and subjective terms.

In the objective sense, forest ownership is understood as a set of legal norms that establishes ownership, use and management of forests, ensures protection and defense of property rights against illegal actions of third parties. As for forest ownership in the subjective sense, it refers to the legal capabilities of a particular owner to own, use and dispose of forests belonging to him/her at his/her discretion within the law, as set forth in the relevant forest law provisions. The subjective right is absolute in nature, because the authorized subject is opposed by an unlimited number of obligated persons who should not violate this right by their actions [26].

The right to use forests is of a more public nature and is derived from the right of state

ownership of natural resources and natural objects. It is understood as a set of legal norms that regulate social relations related to the use of forests, forest resources, their protection and reproduction. In legal terms, the use of forest resources can be divided into general and special [19].

General use of forest resources is carried out by citizens who have the right to freely stay in forests, collect flowers, berries, nuts, other fruits, mushrooms, and wild herbs for their own consumption free of charge. At the same time, citizens are obliged to comply with fire safety requirements in forests, as well as to use these forest resources within the time limits established by the state forestry authorities and in ways that do not harm the reproduction of these resources. With regard to the special use of forest resources, temporary forest users shall carry out their activities only within the boundaries of the land plots of the forest fund provided for use. The land plot of the forest fund for special use of different types of forest resources may be provided to one or several temporary forest users [24].

Management of forest use and protection includes the following activities:

- introduction of effective forest management by reforming the existing system;
- Ensuring forest resilience to climate change;
- reducing fire hazard in forests;
- control and detection of illegal logging;
- digitalization of the industry;
- development of recreation;
- development of scientific potential and creation of a proper system of training.

The areas of activity are also taken into account in the State Forest Management Strategy of Ukraine until 2035, approved by the Government by the decision of the National Security and Defense Council of Ukraine "On Challenges and Threats to the National Security of Ukraine in the Environmental Sphere and Priority Measures to Neutralize Them", enacted by the Decree of the President of Ukraine No. 111 of 23.03.2021. The strategy also refers to the preservation of self-sown forests on lands other than forestry lands as a way to increase the forest area, improve forest sustainability and quality, and increase the ecological and resource potential of forests. The expected results of the strategy implementation include, [16, 15]:

- increasing the total stock of forests in Ukraine to at least 2.5 billion cubic meters;
- increase the level of greenhouse gas absorption by Ukrainian forests to 75.6 million tons of CO₂;

- updating detailed regulations for at least 500 nature reserves;

- construction and repair of 7.5 thousand kilometers of forest roads;

- updating the firefighting equipment fleet by 100%.

The concept of "legal protection of forests" is considered as a set of organizational, legal, and other measures for the rational use of the forest fund and forests that are not part of the forest fund. Legal protection of forests involves the preservation of forests from destruction, damage, weakening, pollution and other negative impacts. Legal protection of forests is realized through the application of all legal norms governing the protection and use of forest resources. Legal norms related to forest protection, they also fix the limits of human behavior in terms of realization of forest protection goals, establish the rights and obligations of subjects of forest legal relations, and bring order, organization and coherence to the system of forest protection and use of forest resources [30].

In the area of forest protection, all legal norms can be divided, depending on their content, into rule norms, priority norms and principle norms. The rules are divided into the following [21]:

- preventive (designed to prevent the occurrence of harmful consequences in the field of protection and rational use of forest resources);

- prohibitory (contain a ban on certain actions in order to prevent damage to forests);

- punitive (provide for a measure of responsibility for violation of forestry legislation);

- obligatory (impose certain obligations on subjects of legal protection of forests in the field of forest protection);

- encouraging (provide for moral and material incentives for compliance with the requirements of protection and rational use of forest resources);

- permissive (enabling forest users to use forest resources, providing for their rights) and others.

The legal protection of forests should mainly be based on the norms-priorities of legal protection of forests. Since Ukraine is a European country and has joined the development of common objectives for forest management in Europe (the Helsinki process), the priority of forest management remains the direction of sustainable forest management, conservation and restoration of biodiversity of forest ecosystems [22].

Norms-principles of legal protection of forests are based on the principles of the forest board of

trustees (Forest Stewardship Council, FSC), [18]:

Principle 1: Compliance with legislation and FSC principles.

Principle 2: Rights and obligations of owners and users are defined.

Principle 3. Rights of indigenous peoples (not applicable in Ukraine).

Principle 4. Community relations and employee rights.

Principle 5. Rational use of forests.

Principle 6. Impact on the environment.

Principle 7. Forest management action plan.

Principle 8. Monitoring and evaluation.

Principle 9. Conservation of forests of high conservation value.

Principle 10. Forest plantations.

Hundreds of millions of people around the world live in or near forests, and about 350 million people derive the vast majority of their income from forests. That is why the principles and criteria defined by the FSC include social aspects of forestry. Forest management should be carried out in compliance with the requirements of the country's domestic legislation, international agreements and in accordance with the FSC principles and criteria. This entails legal confirmation of land ownership or forest use, respect for the rights of forest owners and users, and fulfillment of their respective responsibilities, as outlined in Principles 1 and 2. As for Principle 3, it is not relevant for Ukraine, since there are no peoples, nationalities, or ethnic groups that meet the definition of indigenous peoples provided by the United Nations. In general, this principle requires the recognition and preservation of the rights of indigenous tribes to land and resources, and the protection of places of cultural, environmental, economic and religious significance. Principle 4 requires employers to provide opportunities for local people to participate in consultations on possible social impacts of their operations, in employment, training, and to ensure compliance with health and safety rules and their right to bargain with them. The following principle relates to the optimal use of forest resources and their local processing, reduction of waste, avoidance of resource damage, and compliance with harvesting volumes that will not deplete the use [9].

Principle 6 concerns the protection of endangered and rare species of plants and animals, the protection of soils from negative impacts during logging, and the preservation of areas of great conservation value. That is, there is an assessment of the impact of forestry measures on the environment before they are carried out. As for

Norms-priorities	Norms-principles
Tireless forest use	Compliance with legislation and FSC principles
Preservation and restoration of forest biodiversity	Defined rights and obligations
Norms-rules	Relations with the local population and workers' rights
Warning	Rational use of the forest
Forbidden	Impact on the environment
Punishing	Plan of measures for forest management
Obligatory	Monitoring and evaluation
Encouraging	Preservation of forests of great environmental importance
Permissive	Forest plantations

Figure 2. Classification according to the content of legal norms in the field of forest protection*

*Note: Formed by the author based on (Mendyk L. V., 2009), (Mingazutdinov I., 2011), (Principles of the Forest Supervisory Board, 2022) [9, 21, 22].

principle 7, its requirement refers to the drawing up of a plan in written form, where the long-term goals and objectives of forestry are clearly defined and the ways to achieve them. Moreover, clear boundaries for the implementation of the plan and bringing its main elements to the attention of the public are defined.

Monitoring and evaluation is the next principle of legal protection of forests, which requires supervision of the state of extraction of forest resources, their growth and reproduction, monitoring of changes in flora and fauna, ecological and social consequences of logging, productivity and effectiveness of measures. The results of the monitoring are presented in a short report to the public [18].

Principle 9 provides for assessments and consultations on the establishment of signs of forests of nature conservation importance, measures to preserve and strengthen these signs, as well as monitoring of such forests. As for the last tenth principle, it concerns the cultivation of plantations, which are designed to complement the management system and reduce the burden on forest ecosystems and provide a number of social and economic benefits and contribute to the satisfaction of wood needs [9].

All forests on the territory of Ukraine, regardless of the land categories in which they grow for

the main purpose and regardless of ownership rights, constitute the forest fund of Ukraine and are under the protection of the state. Protection of the natural environment, rational use of natural resources, ensuring the ecological safety of human activities are an integral condition for the sustainable economic and social development of Ukraine [1].

Therefore, all the legal norms listed above represent a symbiosis of priority areas of forest management with established rules and defined generally accepted principles. The economic, social and ecological aspects of the forest industry are taken into account, with the awareness of the equal value of each component.

According to the Forest Code of Ukraine, violation of forest legislation entails disciplinary, administrative, civil or criminal liability in accordance with the law. It is clear that the destruction of nature, illegal enrichment of forest resources, unworthy treatment of the forest must be punished by law with all severity, and for this a strong and specific legislative framework is necessary [2].

The report of O. Storchous states that the effectiveness of the application of legal responsibility for violations of environmental, in particular, forest legislation depends on many factors. In addition to the level of legal awareness, the state

Table 1. Analysis of the main legal documents regulating the rational use of self-seeded forests on agricultural lands*

Normative and legal document, No. art./p.	Brief content	Comment
Forest Code of Ukraine, Art. 1	All forests on the territory of Ukraine, regardless of the land categories of which they grow for the main purpose, and regardless of their ownership, constitute the forest fund of Ukraine and are under the protection of the state.	Including self-seeded forests, they constitute the forest fund of Ukraine and are under the protection of the state. Therefore, the destruction and felling of self-seeded forests is possible only if the rationality of such actions in relation to such forests is proven beyond doubt.
Forest Code of Ukraine, Art. 4	The forest fund of Ukraine does not include: green areas within settlements (parks, gardens, squares, boulevards, etc.) that are not assigned to forests in the established order; individual trees and groups of trees, shrubs on agricultural land, homesteads, summer cottages and garden plots.	This article does not mention self-seeded forests on agricultural land, as they cannot be classified as "shrubs on agricultural land" based on the natural differences between these concepts.
Forest Code of Ukraine, Art. 25	The main task of state regulation and management in the field of forest relations is to ensure effective protection, proper protection, rational use and reproduction of forests.	Preservation of self-seeded forests on agricultural land is considered one of the main tasks of state regulation and management in the field of forest relations.
Forest Code of Ukraine, Art. 45	Forest management includes a set of measures aimed at ensuring effective organization and scientifically based forestry management, protection, protection, rational use, increasing the ecological and resource potential of forests, the culture of forestry management, obtaining reliable and comprehensive information about the forest fund of Ukraine.	Preservation of self-sowing forests on agricultural land belongs to the complex of measures of rational forest management.
Forest Code of Ukraine, Art. 105	Persons guilty of destroying or damaging forest crops, seedlings or saplings in forest nurseries and plantations, as well as natural undergrowth and self-sowing on lands designated for forest restoration, are liable for violation of forest legislation.	Land designated for forest restoration can be agricultural land on which self-seeded forests have grown due to long-term use of land for other purposes.
Land Code of Ukraine, Art. 20, item 9	A change in the intended purpose of particularly valuable lands is allowed only in the case of: alienation of land plots for public needs or for reasons of public necessity, assigning the lands specified in clauses "a" and "b" of the first part of Article 150 of this Code to the lands of the nature reserve fund and other environmental purpose, historical and cultural purpose, forestry purpose.	If it is reasonable from a rational point of view to preserve self-sowing forests on agricultural land, then a change in purpose is possible even on especially valuable lands, i.e. on chernozems that have not been eroded and are not salted on loess rocks, meadow-chernozem soils that are not saline, not salted and loamy soils, dark gray podzolized and others in list of Article 150 of the Civil Code.
Land Code of Ukraine, Chapter 11, Art. 55-57	Chapter 11 is dedicated to forestry land with a definition of the concept, their use and acquisition of ownership.	Does not contradict the Forest Code of Ukraine and needs to include the concept of "self-seeded forest".
Land Code of Ukraine, Art. 162	Land protection is a system of legal, organizational, economic and other measures aimed at the rational use of land, prevention of unjustified extraction of agricultural and forestry land, protection from harmful anthropogenic influence, reproduction and improvement of soil fertility, increase in productivity of forestry land, provision of a special regime use of land for nature protection, health, recreational and historical and cultural purposes.	Of course, at the expense of self-seeded forests, it is easy to increase the forest cover of the country, but if this is an unjustified extraction of agricultural land, then it is not advisable to preserve self-sown forests and it is contrary to land protection.
Land Code of Ukraine, Art. 171, item 2	Low-productivity lands include agricultural lands, the soils of which are characterized by negative natural properties, low fertility, and their economic use as intended is economically inefficient.	If under the influence of natural factors, unproductive lands have reforested themselves, it is advisable to use them for forestry needs.
Land Code of Ukraine, Chapter 31, Art. 181-183	The main tasks of land management are the implementation of the state's policy on scientifically based redistribution of land, the formation of a rational system of land ownership and land use with the elimination of deficiencies in the location of land, the creation of ecologically sustainable landscapes and agricultural systems; ...	In general, the concept of "land management" is based on a rational attitude to lands and making appropriate decisions regarding their most effective use.
Law "On the protection of the former natural environment", introduction.	Protection of the natural environment, rational use of natural resources, ensuring the ecological safety of human activities are an integral condition for the sustainable economic and social development of Ukraine.	First of all, environmental protection is based on the concept of rationality.
Law "On the protection of the former natural environment", Art. 12	Citizens of Ukraine are obliged to preserve nature, protect it, and rationally use its resources in accordance with the requirements of the legislation on environmental protection.	Again, the Law refers to the duty of citizens of Ukraine to rationally use its wealth, including protecting the formed natural ecosystems (self-seeded forests).
Law "On the protection of the former natural environment", Art. 40	The use of natural resources by citizens, enterprises, institutions and organizations is carried out in compliance with mandatory environmental requirements: a) rational and economical use of natural resources based on the wide application of the latest technologies; ...	The article lists the mandatory ecological requirements for the use of natural resources and, first of all, the rationality with which it is necessary to approach the issue of self-seeding forests.

* Note: Formed by the author based on [2, 4, 1].

of environmental education and culture of the population, the study of the causes and conditions of forest violations, the quality of legal norms that establish legal responsibility is a priority. In addition, the report highlights the issue of improving legal liability for violations of forest legislation and combating the circulation of illegally extracted forest resources, namely: criminal liability in the field of protection of forests and green spaces; improvement of legislation on

administrative offenses in the field of protection, protection, use and reproduction of forests; civil liability for violation of forest legislation; proposals for combating the circulation of illegally extracted (harvested) forest resources [27].

One of the most dangerous violations in the field of forest protection is illegal felling, especially this applies to self-seeded forests on agricultural land. Since a full-fledged forest has already formed on the territory, which has been used for a long

time not for its intended purpose, and therefore its status is not defined, and people can use this forest without control and get illegal profit from felling self-seeded forest. Criminal liability for this offense is provided for in Art. 246 of the Criminal Code of Ukraine: "Illegal felling of trees or shrubs in forests, protective and other forest plantations, transportation, storage, sale of illegally felled trees or shrubs that caused significant damage — is punishable by a fine of one thousand to one thousand five hundred tax-free minimum incomes of citizens or arrest for a term of up to six months, or restriction of liberty for a term of up to three years, or deprivation of liberty for the same term. The same actions, committed repeatedly or with a prior conspiracy by a group of persons, are punishable by restriction of liberty for a term of three to five years or deprivation of liberty for the same term" [14]. But since self-seeded forests are in fact "unregistered forests", they are not legally considered forests, so this article cannot be applied to the illegal felling of self-sown forests. And although the Forest Code declares that "... all forests on the territory of Ukraine, regardless of the land categories in which they grow according to the main purpose, and regardless of the right to ownership of them, constitute the forest fund of Ukraine and are under the protection of the state" [2], self-seeded forests on agricultural land are virtually defenseless.

Being a product and the highest stage of the development of nature and at the same time one of its elements, man cannot exist in person. This determines the direct interest of society in nature conservation. A person cannot be a passive observer of natural phenomena. Since people can cause great damage to the environment, and this cannot be prevented in any way, because we harm nature by the fact of our life activities, it is also our duty to try to preserve and restore nature. In the writings of the classics of Marxism, the social meaning of this problem and its great historical significance for humanity are revealed. K. Marx noted: "... Culture, if it develops spontaneously and is not directed consciously ..., — leaves behind a desert" [20]. That is why it is so necessary to monitor, control and try to promote all measures to protect the environment in which we live, in particular, to improve the legal framework for regulating the use of self-seeded forests with an emphasis on their preservation and, of course, to be conscious citizens of the Planet, which is the home of each of us.

Having studied the legal framework of the forest industry, it is possible to single out articles and clauses in legislative documents that specifi-

cally relate to the regulation of the rational use of self-seeded forests on agricultural lands.

Table 1 analyzes only the main legislative acts that relate to the regulation of the rational use of self-seeded forests on agricultural land. The concepts of "self-seeded forest" and "self-forested territories" have been legally defined since 2023 in order to establish the legal and organizational basis for the identification and preservation of self-seeded forests, simplify and stimulate the afforestation procedure, ensure the preservation of pastures and hayfields, ensure the preservation of forests by complicating the procedure for changing the purpose of land use areas of forestry purpose and other forested areas.

Currently, the legislation is being edited and, accordingly, it is proposed: to determine the mechanism of preservation of self-seeded forests with further management of forestry; establish a ban on plowing pastures and haymakers for the period until 01.01.2025; conduct an inventory of non-arable plots that were transferred from state to communal ownership, in order to identify nature conservation areas and take measures to preserve them; to give the Cabinet of Ministers of Ukraine the right to agree on a change in the target purpose of forests on lands of all categories, the right to provide permanent use of state-owned forests for forestry management; introduce a ban on the use of invasive tree species in afforestation; to simplify the procedure of transferring privately owned land into forestry land if the owner so desires; to confirm ownership of forests for state and communal forestry enterprises based on planning and mapping materials of forest management; introduce a mechanism for the state's purchase of land plots for the preservation of the territories of the nature reserve fund and forestry management. The draft law proposes to introduce amendments to the Forest Code, the Land Code, the Law of Ukraine "On Environmental Protection", "On Land Protection", "On Land Management", "On Expropriation of Land Plots and Other Real Estate Objects Located on Them", which are in private ownership, for public needs or for reasons of public necessity", "On the State Land Cadastre". The draft Law is registered under No. 5650 [17].

For several years, the issue of decision-making regarding self-seeded forests that have formed on agricultural land has been raised more than once, in particular, in one of the articles of the Ukrainian Forest Portal: "...self-forested land plots for agricultural purposes or even for future afforestation (mainly these are land shares) need a change of purpose, and private forests can be

created on such lands." That is, the question of preserving self-seeded forests is open, especially regarding the future form of ownership of such forested areas. It depends on the initial situation of self-seeded forest lands [29].

In the work of O. Storchous [28] it is stated that it is necessary to deregulate legal norms regarding the transfer of self-forested private lands into state/communal property for forestry management. The legislation does not provide for mechanisms that would enable citizens to create forests on private agricultural land, which is specified in Article 56 of the Land Code of Ukraine: "Forestry lands can be in state, communal and private ownership. Citizens and legal entities, by decision of local self-government bodies and executive bodies, may be given ownership of closed forestry land plots with a total area of up to 5 hectares as part of peasant, farm and other farm lands, free of charge or for a fee. Citizens and legal entities can acquire land plots of degraded and unproductive lands for afforestation in accordance with the established procedure [4]. In general, it is provided for the implementation of private ownership of forestry land, the possibility for citizens and legal entities to acquire land plots of degraded and unproductive lands for afforestation in accordance with the established procedure, but this provision can be considered declarative, due to the bureaucracy and high material consumption of the implementation of the existing norm of the law [23].

CONCLUSIONS, DISCUSSION AND RECOMMENDATIONS

Based on the review of the legal framework and the analysis of the main legislative acts that regulate the issues of forestry management, land relations and environmental protection, it can be concluded that the legislation needs to be agreed and amended as soon as possible regarding the issue of self-seeded forests. From a review of the legislation as a basis for managing forest resources, it is clear that in the field of environmental protection, much attention is not paid to the preservation of trees and forests. It is necessary to legally approve the concept of the rationality of preserving self-seeded forests on agricultural land as a habitat for valuable species of flora and fauna, as elements of biological diversity, as tools that can contribute to solving a number of environmental problems (e.g. climate change, desertification) and the priority of preserving these self-seeded forests over the plowing of land should be higher due to the environmental condition of such an approach.

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