

— основних напрямків реалізації господарської політики на ринку перевезення авіаційним транспортом;

— особливостей правового становища авіаційних підприємств та їх об'єднань щодо здійснення господарської діяльності;

— проблем використання авіації у аграрній сфері та проблеми аграрного права в умовах сучасного державотворення;

— проблем та перспектив розвитку аграрного, господарського та екологічного права.

За результатами обговорення виступів доповідачів були виділені перспективні напрямки щодо особливостей здійснення господарської діяльності в сфері господарського права, які можуть стати підґрунтям для нових наукових досліджень як молодими вченими, так і студентами. Пропозиції та рекомендації, що були висловлені учасниками в рамках роботи секції, можуть бути використані у навчальному процесі при викладенні дисциплін господарського напрямку.

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MODERN PROBLEMS AND PROSPECTS OF AGRARIAN LAW IN THE LEGAL SYSTEM OF UKRAINE

Since independence of Ukraine agrarian law was an integral part of the national legal system. However, discussions about the nature of the agrarian law, its autonomy in the legal system takes no one decade. In this reference. V. Ermolenko notes that no field of law in the history of jurisprudence has not caused so many disputes as agrarian law. Ukraine is a full-fledged member of WTO and it is appropriate status of member of the International Trade provides for the right of free access to food and food raw materials for domestic production of world agricultural markets, but with compliance by producers with international standards of quality and safety of products and rules of fair competition. International trade in food products including trade in crop, livestock, fisheries, marine fisheries and semi. The main type of products for which there is always a demand on global commodity markets, crops are wheat, corn, rice and rye, as food security level of any state is defined in terms of strategic grain reserves. Thus, the development of Ukraine's agriculture depends on the policy of state protectionism measures envisaged by the

Agreement on Agriculture of the WTO in 1994 and should definitely be included in the current legislation WTO members.

Law of Ukraine «About basic principles of state agrarian policy until 2015» on October 18, 2005 determined that the state agrarian policy based on national priorities and take into account the need to integrate Ukraine into the European Union and the world economic space.

Under such conditions, the goal of state is to create and introduce a balanced agricultural policy that contributed to the development of organized agrarian market, prevents manifestations of dumping of food and agricultural products, protect the population from the low-quality cheap food imports, contributed to an increase in exports of basic food and agricultural raw materials of domestic production, particularly grains, seeds to the world food markets to return Ukraine's reputation «breadbasket of Europe» and world grain exporter.

The objective prerequisites for development of agricultural Ukraine is the right climatic, economic and legal factors that determine the emergence and development of these areas of law, regardless of the impact on agrarian relations man, society and the state.

The emergence of agrarian law as an independent branch of the national legal system driven by special climatic conditions of Ukraine, the first significant reserves of black soil and favorable climate for agricultural production. In total there are about 300 types of soils, including soils occupy an important place. Black soil area in the world is 314 million hectares or 2.4 % of the area of all soils. This ukrainian black soil occupy 27.8 million hectare., which constitutes 8.7 % of the world's black soil areas. That black soil represents a major area of agricultural land Ukraine - 67.7 % [2]. Given the importance land in the development of the nation and society in the Constitution of Ukraine on June 28, 1996 the land proclaimed the fundamental national wealth that is under special state protection. In agrarian-legal science V. Nosik notes that the soil is the wealth of nation and should belong to the people, not the state's ownership [2]. Despite the constitutional imperative and the existing legislative framework, the state Land Resources of Ukraine is near to critical. During the period of land reform a significant number of problems in the sphere of land relations not only resolved but worsened. Throughout the widespread land degradation processes, among which the most ambitious is the erosion (about 57.5 % of the territory), pollution (20 % of the territory), flooding (about 12 % of the territory). Reduced nutrient content in soils and annual loss of humus are 0.65 tons per 1 hectare [3].

The territory of Ukraine is in the region is continental temperate zone. Lowland area of the state is quite warm for growing most crops temperate. In Ukraine clearly apparent seasonality, which significantly affects the efficiency of agricultural production and determine its specificity.

The presence of unique reserves of black soil and favorable to maintaining agricultural production climate - on the one hand, and significant dependence on climatic conditions and seasonality of the production - on the other hand, the need to objectively determine the specific state and legal effects on the relations arising in the process food and food raw materials. The said special need for legal regulation of agrarian relations separate branch of law is of particular relevance in the present conditions, when Ukraine should use its chance to become an equal producer of agricultural products in the European agricultural market.

The basis of the formation of agrarian law Ukraine are economic conditions that are in existence a powerful system of agriculture of the USSR in the second half of the twentieth century. Currently, the agricultural sector of Ukraine is indivisible industrial and economic system that combines a number of agricultural, industrial, scientific, industrial and educational sectors aimed at obtaining, transporting, storing, processing and marketing of agricultural products. By volume of production and the share of Ukraine's GDP is second only to APC metallurgy, fuel and energy complex, and the number of employed workers in its social significance and is a leader. In the agricultural sector of Ukraine formed about 17 % of GDP, it is a major budget-and export-oriented sectors of the national economy.

The specificity of agriculture as a sector of the economy, its role and importance in the national economy, especially the agricultural production process, including its significant dependence on climatic conditions, the need to consider the laws of biological organisms as the basis of agricultural production, the close relationship of the efficiency of agricultural production the development of social sphere of the village were so objective economic prerequisites for the formation of separate legal regulation of relations in agricultural production in Ukraine and related fields - social development of the village, logistical support agriculture, the use of agricultural land as part agrosphere and others. In particular, signs of modern agrarian law in Ukraine in the national legal system, some scientists call that it corresponds to a separate similar industries that refers to the adequacy of the field of law and economics. Specificity of public relations in the production, processing and marketing of agricultural products and closely related areas makes such specific features of modern of agrarian law in Ukraine as the breadth of its subject of legal regulation, which lies at the intersection of the interests of man, society and the state.

The objective prerequisites of of agrarian law in Ukraine also include legal. In legal doctrine Ukraine noted that the perception of law as an objective social phenomenon, not as much the product of so-called «state lawmaking», opens additional opportunities to properly resolve relevant to social development issues.

Agrarian Law of Ukraine belongs to those sectors of the national legal system, the formation of which occurs by degeneration of the other branches of law. Thus, the legal theory of rebirth field is defined as the path of a new industry based on the absorption and transformation of existing industry with the addition of a large amount of new provisions. For Ukraine Agricultural Law characterized the genetic relationships of the collective farm and agricultural law, which was part of the legal system of the USSR from 30's to 80's XX century. Thus, the collectivization of agriculture in Ukraine in the 30s of the last century led to the formation of a new branch of socialist law - collective rights, the specificity of the subject is defined features of the legal status of farms in the economy of the USSR and the USSR. Unification of laws on state, collective and state-collective farm forms of agricultural production, the integration of the agricultural production in agribusiness led to new complex field of agricultural law. In our opinion the transition of the term «agricultural» to the term «agrarian» caused by a number of objective reasons, including the expansion of the content of the term «agricultural» in terms of agrarian reform in Ukraine.

Given the specificity of the formation of the agrarian law of Ukraine is through rebirth, for specified areas of law as relatively new in the legal system of Ukraine is inherent in a property as complexity due to inheritance of certain traits of the collective farm and agricultural law, as well as expanding the subject agro-regulation as a result of the agrarian and land reform. Ads land reform and introduction of reforms in the agricultural sector of our country in the early 90th century became a catalyst appearance Agricultural Law Ukraine as a new independent branch of law in Ukraine.

The peculiarity of the formation of of agrarian law in Ukraine compared with agricultural law SSR is negligible role in the agrarian legislation of its occurrence.

However, in the present state of agricultural legislation Ukraine significantly affect the development of the agricultural law. It is not codified in nature, contradictory trends unification of legal regulation of the status of agrarian relations and the simultaneous differentiation of legal regulation of certain types of agricultural production, lagging behind the needs of the practice of adaptation of national agricultural legislation with EU requirements for reorientation of agricultural exports to the European market etc.

Thus, the formation and prospects of agrarian law as objectively formed, independent and integrated branch of the law of Ukraine since recent history due to a number of objective reasons, finding out which makes it possible to accurately cover its legal nature, and to identify the driving forces and mechanisms that led to the emergence of agricultural law Ukraine in the national legal system.

Formation of Agricultural Law Ukraine held by degeneration of other

branches of law that determines its complexity as a result of inheritance of certain traits and agricultural collective rights and the expansion of the subject agro-regulation as a result of the agrarian and land reform.

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ПРОБЛЕМИ І ПЕРСПЕКТИВИ РОЗВИТКУ АГРАРНОГО СЕКТОРУ УКРАЇНИ

Аграрний сектор завжди був пріоритетним напрямом у розвитку економіки, адже саме від його стану і перспектив розвитку залежить забезпечення життєдіяльності людини. Незважаючи на те, що Україна володіє сприятливими кліматичними умовами і якісними земельними ресурсами, розвиток сільського господарства в нас не на найвищому рівні. Специфічною особливістю є висока залежність від природно-кліматичних умов. Це зумовлено використанням землі, регіональним розташуванням та її родючістю.

Відомо, що сільське господарство є специфічною галуззю економіки. Це проявляється в тому, що, на відміну від багатьох інших галузей економіки, результати його діяльності значно залежать від природно-кліматичних умов [1]. Тому одним із важливих напрямків розвитку сільськогосподарського виробництва є зменшення ризиків від природно-кліматичних умов та забезпечення подальшого розвитку аграрного сектора шляхом удосконалення системи захисту господарств.

Проблемою у створенні фермерських господарств є:

— відсутність стартового капіталу, на основі якого можна було б побудувати ефективно функціонуюче виробництво та високі відсоткові ставки по кредитах;

— недосконалість нормативно-правових актів щодо аграрної політики держави;