

## ADMINISTRATION OF THE LAND CADASTRE SYSTEM UNDER CONDITIONS OF MARTIAL LAW IN UKRAINE

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### ABSTRACT

**Motives:** Since the Russian invasion of Ukraine, the issue of land legal relations has become of particular concern. The urgent task is to introduce the mechanism protecting the information of the State Land Cadastre from unauthorized interference by third parties, to ensure the rights of the state, physical and legal entities to enter data about objects to the cadastral system and to use this information.

**Aim:** The research aims to identify ways to improve the mechanism of legal regulation of the State Land Cadastre under martial law that will ensure the restructuring and functioning of the agrarian sector of the economy, facilitate recovery of the infrastructure of Ukraine, as well as provide protection of the data from unauthorized interference by third parties, and counteract raider take-over of lands.

**Results:** In the present research, a particular focus is made on the performance of the system of the State Land Cadastre under martial law in Ukraine which can be used as a reference point and a sample for the administrative decisions in other countries which are vulnerable to threats because of the national security.

**Keywords:** land cadastre system, land relation, land administration, administrative services, martial law

### INTRODUCTION

In our country, land is the greatest value because it is the primary production asset and key to economic development. Ukraine possesses the largest area of agricultural land and the most fertile soils in Europe and the world. The total area of the country is 60 million ha, including 42.7 million ha (70.8%) of agricultural land. Among them, 33 million ha of land is arable, whilst in France the area of arable land is

18 million ha, in Germany – 12 million ha, and in Poland – 11 million ha.

In Ukraine, the land reform has created legal and social fundamentals for further transformation of the system of land relations in the direction of developing different forms of land ownership and running different types of economic activities (Kuryltsiv et al., 2018).

However, the Russian invasion of Ukraine has influenced all spheres of social relations including

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the land ones. The key elements of their functioning include the state information system, particularly the State Register of Property Rights to Immovable Property and State Land Cadastre (SLC). Only their simultaneous work can ensure certification of the contracts of purchase and sale of land plots and thus, registration of property rights.

Thus, to protect the consistency and privacy of information, to prevent unauthorized interference by third parties and distortion of data, and to avoid raiding, the government has suspended the functioning of the state-administered registers and databases.

However, under martial law, land relations continue their functioning. It is often necessary to make some registrations in the land cadastre and get access to its data through administrative services.

A cadastre is a system of major importance for the economy and planning, providing data on these issues, as well as data on land. It is the basis for legal aspects like ownership, and fiscal aspects like taxation of land. The cadastre also provides data for planning assignments (Navratil & Frank, 2004).

Publicity of cadastral data is also needed for land management and land inventory, spatial planning in territorial communities, taking control of the concentration of lands, monitoring of land relations, as well as real estate valuation.

Therefore, under conditions of martial law, it is important to ensure regulation of land relations because it provides security for both land and agrarian spheres, as well as the post-conflict recovery of the country.

The main gist of this paper is to identify the ways to improve the mechanism of legal regulation of the State Land Cadastre under martial law that will ensure the restructuration and functioning of the agrarian sector of the economy, facilitate recovery of the infrastructure of Ukraine, as well as provide protection of the data from unauthorized interference by third parties, and counteract raider take-over of lands.

## LITERATURE REVIEW

Land issues are often the root causes of armed conflict, yet often go unaddressed (UN-HABITAT, 2009). Land conflicts commonly become violent when linked to wider processes of political exclusion, social discrimination, economic marginalization, and a perception that peaceful action is no longer a viable strategy for change (Grzybowski, 2012).

During a conflict people are killed, buildings and physical infrastructure are destroyed, legal frameworks are set aside, public registers are destroyed, markets do not function anymore, properties are taken, and lands are occupied (van der Molen & Lemmen, 2004).

Cadastral systems have a dynamic nature. Initially designed to assist in land taxation and real estate conveyancing, cadastres have been extended to land administration systems. This situation forces cadastral systems to be re-engineered over time to meet the change (Yomralioglu & McLaughlin, 2017).

The relation between land cadastre and land administration was recognised in earlier research in conflict and post-conflict contexts. These publications address the issue of conflict and post-conflict land administration (Todorovski et al., 2016a), land records in support of land administration (Manirakiza, 2014), and land administration in post-conflict state building (Todorovski et al., 2016b).

Land and its administration are always negatively affected by armed conflict, and if they are not addressed properly in the post-conflict period they can be a reason for new disputes or a cause for renewed armed conflict (Dimo et al., 2016).

Land plays a specific role in the conflict. Therefore, it is important to acknowledge how it is administered in these circumstances. Addressing land and land administration in such a context should therefore be coherent with the state's efforts to support the legitimacy of the land cadastre system and strengthen the capability to fulfil its core functions.

## MATERIALS AND METHODS

In military and political terms, the crisis in the current security system requires great concern and has forced the leading countries to make a strategic choice about planning their political processes in the long term for the following political and administrative decision-making.

In the present research, a particular focus is made on the performance of the system of the SLC under martial law in Ukraine which can be used as a reference point and a sample for the administrative decisions in other countries which are vulnerable to innovative challenges and threats because the national security of these countries and their social and economic prosperity depends on the timely implementation of such decisions.

The theoretical and methodological basis of the research is made by a complex of methods, namely the dialectic method used to identify conditions of the SLC functioning, its focus, efficiency, and effectiveness; system analysis necessary to assess the importance and position of the SLC in the system of land relations; a synthesis applied to combine different doctrines concerning the functioning and exercising the regulatory framework under martial law; structural and functional analysis made to determine the main stages of the SLC administration and its constituents; a cartographic method used for visualization of the proposals on the functioning of the system of land cadastre based on the approved decisions.

The information basis of the research is provided by the current legislative and regulatory documents, statistical and analytical materials of the State Service of Ukraine for Geodesy, Cartography and Cadastre (State Geo Cadastre), State Statistics Service of Ukraine, and works of domestic and foreign scientists, which disclose the negative impact of military conflict on the system of land management.

## RESULTS

The SLC is a unified state geo-information system of data about lands within the state borders of Ukraine, along with their purpose and restrictions in exploitation. It supplies data on the quantitative and qualitative characteristics of lands, their evaluation, and distribution between owners and users (Law of Ukraine, 2011).

The system of the SLC provides the opportunity to quickly obtain needed information on land plots in the whole territory of Ukraine. The information is entered into the databases, checked, systemized and arranged following the unified and prescribed rules. Due to the applied modern information technologies in administrating the SLC, the information about land plots is available both for specialists engaged in the field of land relations and for external users.

According to part 3 of Article 6 of the Law of Ukraine “On State Land Cadastre” (Law of Ukraine, 2011), paragraph 3 of p. 4 of the Procedure of administrating the SLC, and referring to the order of the State Service of Ukraine for Geodesy, Cartography and Cadastre No. 36 of 28 January 2016 “On appointing the administrator of the State Land Cadastre”, the State company “Centre of the State Land Cadastre” is the appointed Administrator of the SLC.

The Administrator of the SLC ensures:

1. Permanent functioning of the engineering and technical infrastructure of the SLC;
2. Improvement of the hardware-software complex of the National Cadastral System;
3. Supplying e-services by updating the Public Cadastral Map.

By using e-services, people can order administrative services on getting information from the SLC, an extract from the technical documentation on the normative monetary valuation of land, information about property rights to a land plot, information about people who have looked through the information about the property right to the land plot, information from the state statistical reporting on the availability of lands and their distribution, and submit requests

to obtain documents on the land organization from the State Fund of Land Management Documentation.

Without authorization, one can submit a request on obtaining a qualification certificate and a duplicate of the qualification certificate of a land surveying engineer, as well as get extracts from the State Register of certified geodesy engineers, State Register of certified land surveying engineers, and State Register of evaluators of the expert monetary estimates of land plots.

By using the web-service [e.land.gov.ua](http://e.land.gov.ua), the certified land surveying engineers can request the state registration of a land plot for entering improved information to the SLC and submit a land organization project for approval.

Since the adoption of martial law, the functioning of all information systems has been suspended for security reasons. However, nowadays their performance is being gradually restored. Today, the Resolution of the Cabinet of Ministers of Ukraine No. 480 of 19 April 2022 has recovered the functioning of the State Register of Property Rights to Immovable Property, but with some restrictions. In particular, only the notaries who are on the list of notaries approved by the Ministry of Justice of Ukraine authorized to conduct notarial acts on valuable property under martial law can certify contracts, including agreements of purchase and sale of land plots.

The situation with the SLC has long stayed unchanged and only in late April, its functioning was recovered after approval of the Law of Ukraine No. 2211-IX “On amendments to certain legislative acts of Ukraine concerning peculiarities of land relations regulation under martial law”. The Law aimed to ensure the operative placement of production capacities of the enterprises displaced (evacuated) from the combat zone, to simplify the procedure of changing the purpose of lands, to improve some other rules partially approved by the Law of Ukraine No. 2145-IX of 24 March 2022 “On amendments to certain legislative acts of Ukraine on providing conditions to ensure food security under martial law”. The Law also enshrines the right of the Ministry

of Agrarian Policy and Food of Ukraine to make decisions on recovery or the further suspension of the SLC functioning on agreement with the State Service of Ukraine for Geodesy, Cartography and Cadastre. The powers of the state cadastral registrars are also restricted.

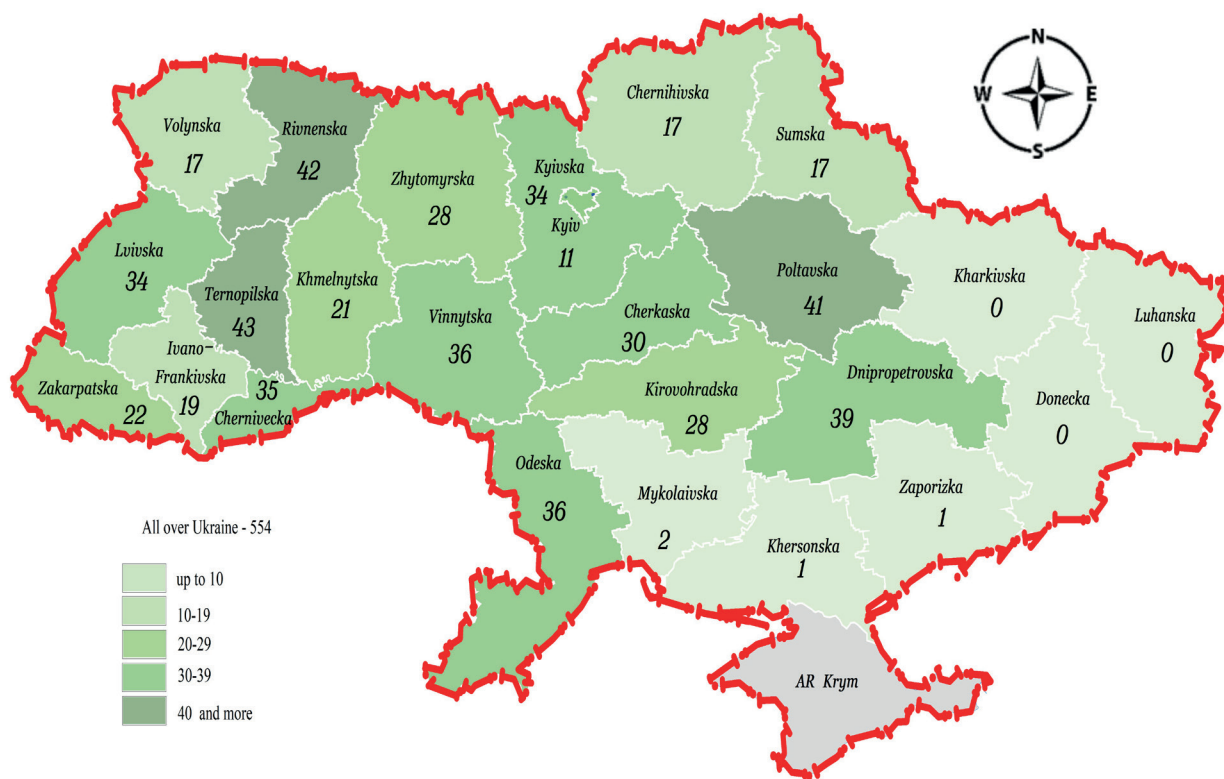
The next step was to approve the Resolution of the Cabinet of Ministers of Ukraine No. 564 of 7 May 2022 “Some issues of conducting and functioning of the State Land Cadastre under martial law”. The Resolution also declares that under conditions of martial law in Ukraine and a month after its cancellation, the actions of entering the information (changes to information) about objects of land cadastre, using these data, particularly by getting access to the cadastral system, publication of the cadastral information through the Public Cadastral Map, should be done in compliance with the following rules:

1. The information (and changes to information) and the data about objects of the SLC can be introduced into the SLC exclusively by the state cadastral registrars, included in the list of those who are authorized by the State Service for Geodesy, Cartography and Cadastre and the Ministry of Agrarian Policy and Food under martial law (Fig. 1).

That list may have some restrictions (conditions) on making decisions by the state cadastral registrars concerning entering information (changes to information) to the SLC, supplying such information, as well as refusing to enter or provide such data.

There are, however, no legislative demands to the publication of the cartographic basis, index cadastral maps (plans), basic analytical and cadastral information layers and all data of the SLC, particularly in vector form, on the official website of the State Service for Geodesy, Cartography and Cadastre, i.e. through the Public Cadastral Map.

2. Information from the SLC can be provided by administrators of the centres of administrative services in compliance with the procedure adopted by the Law of Ukraine “On Administrative Services” or authorized officials of local executive bodies who have successfully passed advanced training in the field



**Fig. 1.** Restoring the access to the SLC for the state cadastral registrars (in terms of regions and persons)  
 Source: own preparation based on the State Service of Ukraine for geodesy, cartography and cadastre (2022).

of land relations in the cases identified by the Law of Ukraine “On State Land Cadastre” within the area of the corresponding administrative-territorial unit in case it is not included in the list of the administrative-territorial units in which the access to the SLC is suspended for users (Fig. 2).

Thus, the access to SLC for users is suspended in the Autonomous Republic of Crimea, Kharkiv, Luhansk, Donetsk, and Kherson regions, as well as on the territory of Kryvyi Rih, Synelnykove districts of Dnipropetrovsk region, Berdiansk, Vasylivka, Zaporizhzhia districts of Zaporizhzhia region, Bashtanka, Voznesensk, Mykolaiv districts of Mykolaiv region, Konotop, Okhtyrka, Sumy, Shostka districts of Sumy region.

3. For physical and legal entities, the information from the SLC in the form of extracts from the SLC, official copies of the cartographic basis (plan), copies of documents which have been made during the

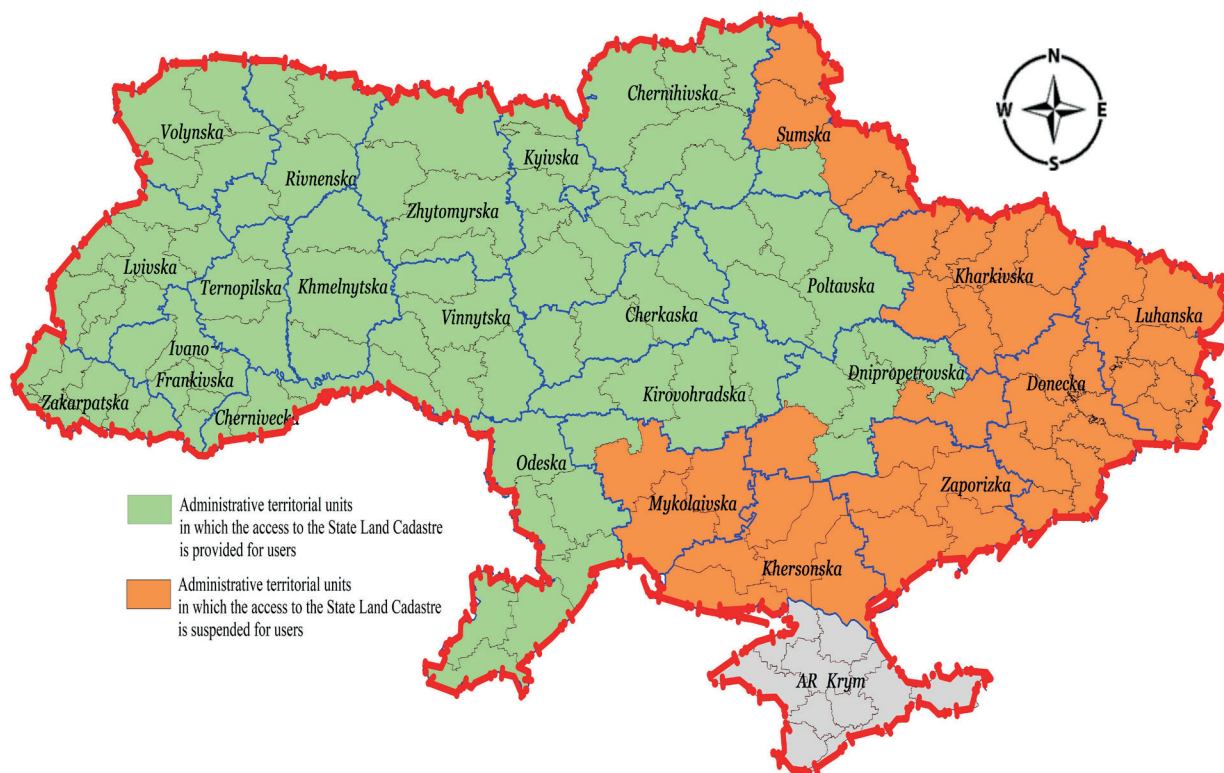
functioning of the SLC, namely cadastral plans of land plots, are provided without the data about coordinates of the turning points of boundaries of the SLC objects.

4. Payment of the administrative fee for providing information from the SLC can be certified by e-copy (including screen-copy) of the corresponding payment document.

At the end of 2021, the government initiated a pilot project on entering information about land plots to the SLC by certified land surveying engineers. The project was expected to run until 31 December 2022. However, it is terminated under conditions of martial law and a month after its cancellation.

Thus, for the period of the pilot project implementation, the responsibilities of the state cadastral registrars, i.e. certified land surveying engineers, included:

- a. entering information (changes to information) to the SLC or refusal to enter information (changes



**Fig. 2.** List of the administrative territorial units in which the access to the SLC is suspended for users  
*Source:* own preparation based on Order of the State Service (2022).

- a. to information) on land plots (shares of them) located within a district or a city of a republic (the Autonomous Republic of Crimea) of regional significance, a district in Kyiv and Sevastopol, as well as towns, villages, and settlements within their boundaries;
- b. making registration: requests on entering information (changes to information) to the SLC; claims on withdrawal of the requests on entering information (changes to information) to the SLC; requests on the state registration of a land plot; requests on entering information (changes to information) to the SLC concerning boundaries of a share of the land plot that is a subject to the rights of the sublease, easement;
- c. making state registration of land plots, restrictions in their use, cancellation of such registration;
- d. running land records of land plots, making records about them, and maintaining them;
- e. assignment of cadastral numbers to land plots;

- f. inspection of compliance of the submitted document with the legislative requirements;
- g. providing extracts from the SLC about land plots to confirm entering the corresponding data to the SLC;
- h. publication of the information on the official website of the State Geo Cadastre.

The approved powers were exercised by certified land surveying engineers exclusively in reference to land plots (their shares) and by developers of documentation on land organization under the supervision of the corresponding land surveying engineers who were responsible for the work quality.

The main differences in conducting and functioning of the SLC in peacetime and under martial law are presented in Table 1.

In the period when the SLC functions with certain restrictions, the information about a change of the purpose of a land plot is not entered into the SLC, and the state registration of a change of the land plot

**Table 1.** Peculiarities of conducting and functioning of the SLC in peacetime and under martial law

Peacetime	Martial law
Exercising powers by the state cadastral registrars	
powers are exercised by all state cadastral registrars on the whole territory of Ukraine	powers are exercised only by the approved list of state cadastral registrars and only on the territory of specified administrative-territorial units
Exercising powers on providing information from the SLC by administrators of the Centres of Administrative Services or authorized officials	
powers are exercised on the whole territory of Ukraine, and access to the information of the SLC is provided for all users in compliance with the legislative requirements	powers are exercised only on the territory of specified administrative-territorial units, the access for users is restored on a special request, the access for new users is provided according to the legislative requirements
Publication of information of the SLC on the official website of the Public Cadastral Map	
all information from the SLC is made public from the moment of its entering the system; the Public Cadastral Map is active, and all layers and data obtained during interaction with other cadastres and information systems are made public	information of the SLC is not made public, the Public Cadastral Map is not active
Access to the information about coordinates of the turning points of boundaries of the SLC objects	
no restrictions on providing such information from the SLC, information can be found in all forms of documents, provided in the form of administrative services	information can be used only by specified cadastral registrars, certified land surveying engineers and geodesists, information is not provided in extracts, official copies, or copies of documents of the SLC
The procedure of suspension (termination) of access to the SLC for cadastral registrars and other users	
access to the SLC is suspended for cadastral registrars in case of appealing against their decisions, actions, inaction, or because of violation of the legislative requirements, access for other users is deprived with the opportunity to be restored in case of violation of the legislative requirements	access to the SLC for cadastral registrars is suspended in case of violation of the approved restrictions (conditions) of decision-making, and legislative requirements. Access is deprived for other users in case of violation of the legislative requirements without the opportunity of restoration. On the territory of temporary occupied administrative-territorial units, access to the SLC is suspended for all users
Confirmation of payment for the services of providing information from the SLC	
mechanism of the payment confirmation by e-copy (screen-copy) of the payment document is not provided	payment can be confirmed by the e-copy (screen-copy) of the payment document

Source: own preparation.

purpose is done by district military administrations in the Book of land ownership and land use registration under martial law.

The Book of land ownership and land use registration under martial law is kept both in paper and electronic variants. The electronic Books of land ownership and land use registration under martial law are conducted in MS Excel (Order of the Ministry, 2022).

State registration of a change of the purpose of a land plot with no entering of the corresponding data in the SLC is done at the request of a body

of executive power or a local authority which has decided to change the land plot purpose. The request is made in electronic form and sent by e-mail to the district military administration with the attached documents certifying the decision about the change of the land plot purpose. State registration of the change of the land plot purpose or motivated refusal to make the state registration should be done within five working days from the day of the request submission (Law of Ukraine, 2022).

The purpose of a land plot can be changed in no compliance with the rules of correlation with the form

of the functional purpose of the territory, approved by the corresponding city-planning documentation, in case of:

- a. displacement of production capacity of the enterprises evacuated from the combat zone;
- b. placement of river ports (terminals) along the Danube River;
- c. placement of seaports;
- d. placement of multi-modal terminals and production transshipment complexes;
- e. placement of the objects of temporary stay of the internally displaced people;
- f. construction of power supply networks, gas distribution, water distribution, heat-conducting, and sewage networks.

Such changes cannot be done in relation to the lands of the nature reserve fund and other environmental-protection purposes, lands of historic and cultural purposes, as well as in the cases when according to the city-planning documentation the territory of the corresponding land plot is expected for placement of the objects of education, health-care, culture, social support, housing and communal services, civil defence, military and other defence facilities, line objects of engineering transport and energy infrastructure.

A change of the purpose of particularly valuable lands (apart from the lands of a nature reserve and other environmental-protection purposes, lands of historic and cultural purposes) is also possible for the above-mentioned cases, apart from the p. 2 “placement of river ports (terminals) along the Danube River”. By changing the purpose of land plots in the mentioned cases, losses of agricultural and forestry production are not reimbursed. They are also not paid when changing the purpose of land plots for placement of temporary storage of trash from destructions caused by combat actions, acts of terrorism, diversions, or by works on elimination of their consequences.

Within 30 days from the date of restoration of the SLC functioning, the owner or user of a land plot that has changed its purpose and the corresponding information was introduced into the Book of land property and land use registration, should submit

a request on entering such data to the SLC according to the procedure approved by the Law of Ukraine “On Land State Cadastre”.

On 25 July 2022, the government initiated an automatic formation of the extract from technical documentation of the SLC on the normative monetary valuation of agricultural land plots (outside populated areas) in electronic form (Resolution of the Cabinet, 2022).

According to the Resolution, the form of such extracts from technical documentation on the normative monetary valuation of a land plot has been changed and is today certified by applying the corresponding QR code.

The introduction of such functionality enables getting an extract of the normative monetary valuation of an agricultural land plot in a digital form immediately after the corresponding request is made without the participation of the staff of the territorial bodies of the State Geo Cadastre.

The service, however, is restricted by a list of administrative-territorial units in which the access to the SLC is suspended for users and thus, they cannot get an extract from technical documentation on the normative monetary valuation of a land plot in those districts.

## CONCLUSIONS

Since martial law has been adopted, the functioning of all information systems has been suspended for security reasons. However, nowadays their performance is being gradually restored and requires the appropriate conditions to recover the work of the SLC under martial law in Ukraine. Among them, the most important tasks are to introduce the mechanism to protect the information of the SLC from unauthorized interference by third parties, to ensure the rights of the state, physical and legal entities to enter data about objects of the SLC and use this information through the access to the National Cadastral System.

In the conditions of the armed aggression against Ukraine, it is extremely important to protect and ensure the right to property and use of land



plots, to counteract raider take-over of land plots. The issue is currently of crucial importance because unscrupulous actions of state cadastral registrars can cause harm to land owners and land users. In peacetime, access to the state cadastral registrars was suspended in case of appealing their decisions and actions, as well as in case of violation of the requirements of land legislation by other users. Today, above these requirements, access to the SLC is also suspended on the temporarily occupied territories.

To sum up, the regulation of land relations under martial law should have a system character because it expects both a lot of simplifications to provide functioning of the agrarian sector of the economy and fast recovery of the infrastructure of Ukraine, and significant restrictions concerning the access to the SLC data and other information systems. Moreover, such restrictions are introduced to minimize the misuses the number of which can significantly increase under martial law and lack of appropriate state control.

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