

Ensuring Lawful Possession of Land Plots in Conditions of Legal Instability

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Abstract: The system of legal regulation of issues related to the guarantee of property rights against the backdrop of increased risks of martial law demonstrates significant gaps in the sectoral legislative framework, including the lack of regulation of the protection of rights to land located in areas of active hostilities or temporarily occupied territories. The purpose of this study is to conduct an in-depth analysis of the legal aspects of land ownership protection during martial law, identify key gaps in the legislative and legal framework, and develop recommendations for addressing them. One of the key gaps identified is the lack of clearly regulated and legally enshrined protection mechanisms. The study analyzes the possibilities for improving the legislative and legal framework in the context of the crisis conditions of war. Innovative challenges in the field of land ownership protection are outlined, in particular, the threat to the preservation of national assets, temporary alienation, and monitoring of land use. The research methods included a systematic approach, comparative legal analysis, and analysis of the legislative framework and judicial practice under martial law. The article identifies critical legal risks and gaps of a socio-economic, legal, and political nature in the field of land rights protection caused by martial law. The need to integrate a number of changes into the current sectoral national legislative field has been proven. The urgent need to ensure effective regulation of landowners' rights in the occupied territories by developing and implementing mechanisms for compensation for damage or loss of land property has been substantiated. The practical significance of the article lies in its potential use for developing optimisation amendments to Ukraine's regulatory and legal framework in the context of the crisis caused by the war, with the aim of ensuring guarantees for the rights of landowners.

Keywords: land, resource, land use, legal protection, property rights, martial law, national security.

Introduction

The issue of protecting land ownership rights and preserving them in full against the backdrop of the threatening challenges of wartime is becoming particularly relevant in the current context of the development of the legislative and legal framework. Ukraine, which positions itself as an agrarian state and possesses significant land resources, is currently facing numerous crisis challenges and threats.

Although existing legal acts provide for separate mechanisms for compensation for the loss of land during the war, there is currently no single effective algorithm for regulating this issue in cases of occupation. In addition, there is a risk of disruption to the operation of state registers and cadastres, which complicates the process of confirming ownership rights. There are shortcomings in the system of legislative regulation of lease relations under martial law.

The situation is exacerbated both in the national context and from the perspective of international law, where particular attention is paid to aspects of protecting the rights of land users. The relevance of the issue necessitates an in-depth analysis of the functioning of legal protection mechanisms and their ability to ensure an adequate level of protection

of land rights in times of crisis and uncertainty. This will lay the foundations for the regulation and actualization of the rights and obligations of parties in land relations during wartime.

Literature Review

Land ownership is one of the key guarantees of national security in times of emergency, as confirmed by global practice and numerous scientific studies. Researchers Ager et al. [1], Boxx [2], Cai et al. [3] emphasize the diversity of challenges in the field of land property rights protection, demonstrate examples of land as an object of manipulation, and explore the legal and economic aspects of land relations.

In the Ukrainian context [4, 5, 6], the problem of land ownership is determined by the need to harmonize legal norms with international standards and the lack of clear protection mechanisms. The authors' study of international experience [7, 8] highlights the relevance of mechanisms for the temporary regulation of land use and compensation in the event of land expropriation during wartime.

Research into legal mechanisms for protecting land rights is crucial to preventing the loss of land property or its unauthorized use. Cowen and Gilbert [9] are convinced of this. At the same time, Kemmerling et al. [10] analyze the role of effective agricultural land valuation and emphasize the importance of economic management.

The studies by Alexander [11] and Dudás [12] focus on institutional issues in land ownership relations. The researchers argue that state sectoral policy should demonstrate adaptability to new conditions of land resource management during wartime. Furthermore, publications by Suntsova [13] position econometric forecasting as an effective tool for managing socio-economic development in conditions of uncertainty and martial law, which determines the need to create flexible legal mechanisms for regulation, including in the long term.

Greenspan [14] and Guldi [15] analyze international experience in the field under study, examine foreign legal realities, and emphasize the importance of developing unique international mechanisms for the protection of land rights. Research of this kind is particularly relevant for Ukraine. At the same time, contemporary industry publications reveal a number of gaps in the methods for improving the legal framework for protecting land ownership rights in times of war.

Aim. The purpose of this study is to conduct an in-depth analysis of the legal aspects of land ownership protection during martial law, identify key gaps in the legislative and legal framework, and develop recommendations for addressing them.

Methodology

Design and scope of the study. The study focuses on the peculiarities of forming comprehensive systems for protecting land property rights in crisis conditions of uncertainty and increased risks of martial law. Considerable attention is paid to innovative challenges in the field of land property rights protection, in particular, threats to the preservation of national assets, temporary alienation, and monitoring of land use in occupied territories.

Data collection and sources. The study first conducted a comprehensive analysis of publications and industry legislation, as well as court practice materials. Relevant primary sources from leading databases (Scopus, Web of Science) were used. The works taken into account were mostly published between 2020 and 2025. The keywords “land, resource, land use, legal protection, property rights, martial law, national security” were used for the search.

Evaluation criteria. The limitations of the study are due to the complexity of experimental verification of theoretical conclusions.

Analytical basis and methods. The research methodology consists of a number of general scientific methods, including analysis and synthesis, systematization, and generalization. These methods made it possible to trace the causal relationships between the influence of individual factors, determine the main criteria and definitions, and identify the most influential factors.

Comparative legal analysis was used to assess Ukrainian legislation on the protection of land ownership rights and identify key problems in protecting the rights of landowners in emergency situations. The documentary method was used to collect and analyze regulatory and legal acts and court decisions relating to land rights.

In order to mitigate internal bias in the publications used for this study, a strategy of open access and data reuse was applied. This strategy involved providing unhindered access to complete research information, allowing for the verification of results and additional analysis, if necessary, thereby reducing the influence of biases such as subjective values, attitudes, and beliefs of the researcher that could potentially affect the interpretation of the research results.

The study also adhered to generally accepted ethical principles, including informed consent and avoidance of conflicts of interest, which contributes to the overall reliability and credibility of the study.

Research Results

The social context plays an important role in regulating land relations under martial law. The Ukrainian legislative field lacks mechanisms to protect the rights of internally displaced persons, which requires the development of temporary effective solutions to prevent violations of property rights, as well as the regulation of lease relations in crisis conditions of war and the strengthening of control in combat zones through international legal protection mechanisms.

It is advisable to identify the main gaps in the system of protection of land property rights under martial law (Table 1). Addressing these gaps requires a preliminary analysis of existing legal norms, international experience, and judicial practice.

Table 1. Main gaps in the protection of land ownership rights under martial law

Direction	Features in the Ukrainian context
Legal regulation of temporary alienation of land plots	Martial law in Ukraine allows for the temporary expropriation of land for defense and security purposes, with possible compensation to the owner. The compensation procedure is vague and imperfect. There are no clearly defined terms and mechanisms for payment.
Risks of illegal land alienation	Insufficient effectiveness of legal instruments for protecting landowners' rights in cases where land plots are transferred without proper legal grounds or compensation.
Gaps in Ukraine's overall legislative framework	The legislation does not regulate the issue of compensation for losses incurred by land users as a result of military operations, nor does it provide for detailed procedures for the expropriation of land in emergency situations.
Lack of guarantees for tenants and internally displaced persons	Inadequate legislation on the provision of land to internally displaced persons or enterprises displaced from conflict zones, guaranteeing their land rights after the war

Source: systematized by the author

Thus, during martial law, the main areas of land relations regulation should be the development of a transparent compensation system based on the assessment of the actual value of land, taking into account losses. Mechanisms for judicial review of decisions on temporary expropriation of land should be provided for at the legislative level. Improvements to the system for protecting land ownership rights could include simplifying procedures for appealing decisions on land expropriation, creating special compensation funds, and introducing international oversight of compensation and restitution processes.

Since the start of the war in 2022, certain efforts have been made to regulate land relations in Ukraine at the legislative level. In particular, Law of Ukraine No. 7289 of 2022 simplified the procedure for leasing land without state registration of ownership rights, enabling local communities to allocate land for critical wartime needs.

Law No. 2698-IX, adopted in October 2022, resumed land auctions and the registration of lease rights, and allowed for the free privatization of land plots. This legislative step made it possible to restore transparent mechanisms for regulating land relations. During wartime, simplified procedures for changing the intended use of land plots are also provided for.

Thus, prior to the introduction of martial law in Ukraine, there was centralized regulation of land relations, which provided for a moratorium on the sale of state and communal land, transparent auctions, and regulation of lease

relations. At the same time, after the introduction of martial law, a number of procedures for the operational management of land resources were simplified. Based on the above, it is advisable to identify the main areas for improving legislation to protect landowners more effectively in the extraordinary conditions of martial law (Table 2).

Table 2. Vectors for improving legal protection of land ownership rights under martial law

Vector	Specifics of implementation
Automation of land rights registration procedures and their protection	– integration of digital platforms for remote registration of land ownership and lease rights; – cybersecurity; – state support for digital technologies in the land registry; – use of blockchain for data protection.
Guarantees for tenants and internally displaced persons	– improving laws to guarantee land rights for IDPs and relocated businesses; – introducing mechanisms to ensure legal certainty; – integrating a simplified land privatization mechanism for temporarily displaced persons.
Strengthening control over changes in land use	– regulating procedures for changing the designated use of land for the placement of critical infrastructure; – introducing mandatory inspections; – increasing transparency through public discussions.
Simplification of mechanisms for compensation for loss of property	– creation of a compensation fund for landowners; – introduction of legal mechanisms for restitution
Adaptation of subordinate legislation to the challenges of martial law	– introduction of flexible mechanisms allowing for the rapid adoption of new subordinate legislation

Source: systematized by the author

It is important to emphasize the importance of monitoring and reviewing regulations adopted during martial law to ensure their relevance and legal significance. These changes will improve the protection of land rights during martial law.

Among the proposed amendments to the current legislation are the development of a mechanism for introducing a special status for land plots located in combat zones or under temporary occupation, which will include the suspension of land tax obligations and the possibility of compensation for losses; improving land lease mechanisms through the integration of a centralized electronic platform; simplifying the process of changing the intended use of land by integrating an effective environmental assessment mechanism to prevent the degradation of land resources; amending legislation on the registration of rights to remote land. These measures will ensure practical support for the rights of landowners and tenants and support the state in managing land resources.

Discussion

The issue of protecting land ownership rights becomes particularly relevant during armed conflicts. According to publications by Sychova and Zayets [16], Ukraine's legal framework for protecting land ownership rights in times of martial law remains fragmented, with no clear procedures or defined mechanisms for compensation. The authors raise the issue of property rights guarantees in conditions of time and resource constraints, which is particularly relevant in the context of agricultural land.

As Leonidov et al. [17] argue, the possibility of adapting international experience to the realities of Ukraine, in particular the practices of Israel and Croatia, is determined by the integration of comprehensive legal and

administrative mechanisms for protection, including compensation payments and legal support for restitution. The authors consider Israel's experience particularly valuable in the context of mechanisms for including compensation payments, legal continuity of land rights during conflict, and administrative support for landowners.

Kaur and Gill [18] publications focus on restitution mechanisms and the creation of unique administrative structures to assist landowners. In the context of Ukraine, such approaches may include the creation of a national compensation fund and the introduction of judicial protection procedures that would allow landowners to challenge decisions on the expropriation of land plots.

According to the findings of Khlystun and Davydenko [19], landowners rarely turned to the courts to protect their rights during martial law, which is a consequence of the lack of clear procedures or legal ignorance among the public. At the same time, recent court precedents demonstrate numerous difficulties in resolving such cases due to the lack of clear legislation.

Kolodiy et al. [20] see the lack of uniform standards for assessing losses to landowners as a significant challenge to the protection of land rights. The authors emphasize that the processes of assessing losses and paying compensation are often ineffective and bureaucratic.

Lubis and Ramadhani [21] and Park [22] argue for the need to harmonize and unify legislation on the protection of land rights in the international arena. The authors identify the Geneva Conventions and other international treaties governing the protection of civilians in times of war as benchmarks. The researchers emphasize the importance of controlling land expropriation and establishing independent bodies to oversee compensation and restitution processes.

Mahendra and Yustiawan [23] and Murtazashvili and Murtazashvili [24] emphasize the socio-economic consequences of legal instability for landowners, as the loss of land ownership rights can lead to economic decline on a national scale. The authors are convinced that the protection of agricultural land is not only a legal issue but also a matter of national security.

Thus, the imperfection of the legal framework and the lack of effective protection and compensation mechanisms in wartime have the potential to have long-term negative consequences for socio-economic stability and sustainable development.

Conclusion

In the context of the ongoing war in Ukraine, the issue of legal protection of land is becoming particularly relevant. Effective protection of land ownership rights is not only a legal but also an economic necessity. Among the main gaps identified are the imperfection of legal regulation of temporary alienation of land plots, risks of illegal alienation of land, gaps in the general legislative framework, lack of guarantees for tenants and internally displaced persons, and the absence of compensation and reparations systems.

Filling the identified gaps requires a number of legal optimization measures. In particular, it is necessary to: automate procedures for registering land rights and protecting them by integrating digital platforms for remote registration of land ownership and lease rights; provide guarantees for tenants and internally displaced persons by improving laws to guarantee the land rights of IDPs and relocated businesses; introduce mechanisms to ensure legal certainty and a simplified land privatization mechanism for temporarily displaced persons; strengthen control over changes in land use; simplify mechanisms for compensation for property loss; ensure the adaptation of subordinate legislation to the challenges of martial law.

Strategies for reducing internal research errors involve the use of accurate scientific methods and the development of algorithms for repeat studies to reduce the impact of internal bias. In other words, a strategy of open access and data reuse is considered a priority. The main advantages of this strategy are transparency, openness, and accessibility of data verification for the development of scientific discourse.

Priorities for further research should be the development of mechanisms for adapting international legal standards to the realities of Ukraine in the area under study. Issues of post-conflict restoration of land rights are also relevant. This will optimize the legal protection of landowners and contribute to the economic recovery of Ukraine.

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