Asian Journal of Water, Environment and Pollution. Vol. 23, No. 1 (2026), pp. 180-190.
doi: 10.36922/AJWEP025280217

ORIGINAL RESEARCH ARTICLE

Administrative acts in land relations: A comparative study of Ukraine, Germany, Latvia, and France

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Received: July 10, 2025; 1st revised: September 17, 2025; 2nd revised: October 11, 2025; Accepted: October 16, 2025; Published online: November 7, 2025

Abstract: In Ukraine, administrative acts in land relations remain insufficiently studied, particularly regarding adoption, appeal, and control. In contrast, EU countries such as Germany, Latvia, and France have clearer and more transparent procedures. The absence of comparative research analyzing these established models highlights the relevance and novelty of this study. This study investigates the juridical character of administrative acts concerning land relations, addressing their classification, form, content, and appeal procedures. It analyzes the statutory regulation of these acts, judicial practice, and enforcement challenges. The research employs methods of legal analysis and synthesis, comparative law, and a systemic-structural approach. It includes a detailed analysis of court decisions from 2020 to 2024, drawing on the practices of the Supreme Court, the European Court of Human Rights, and others. The study found that the outward-looking nature of an administrative act, as a tool for shaping and executing state policy in land matters, means that the administrative authority directs its rulings toward individuals who are not members of the public administration and have no employment or service ties with it. The work points out that such an administrative act, serving as a means of forming and implementing state policy in the sphere of land relations, qualifies as a legal act because it derives from legislative provisions. The discussion highlights the distinction between administrative acts and technical or simple acts of public law. It establishes that decisions denying a person's request constitute negative administrative acts used as instruments of state policy in land relations. To distinguish public law from private law, the theories of interests, subordination, and subjects are applied. Based on the findings, the study concludes that administrative acts used as tools for shaping and carrying out state policy in land relations possess the following traits: outward orientation; character as a legal act; belonging to the public-law domain; adoption by a competent body; targeting specific individual(s); and the ability to establish, modify, or terminate legal relations, or record the factual state.

Keywords: Administrative act; Land relations; Public administration; State authorities; Land law

1. Introduction

Land relations in Ukraine are one of the key areas of regulation, as land is the main national resource. In this regard, the role of administrative acts issued by public administration bodies in this area is of particular importance. Through administrative acts, government powers in the field of land management are exercised, legal relations are established or changed, land disputes are resolved, and land use is controlled.

In 2022, the Law "On Administrative Procedure" was adopted in Ukraine.[1] This Law enters into force on December 15, 2023, and serves as the main legal framework for regulating the activities of public administration in making decisions concerning citizens, businesses, and public organizations. The Law sets out the rules by which representatives of public authorities consider administrative cases, adopt administrative acts, and, if necessary, execute them. The adoption of the Law "On Administrative Procedure" demonstrates the European orientation of the state, as this legislative act implements European standards of good administration into the national legal framework. Documents of the European Union (EU) enshrine the right to good administration, which is considered one of the most fundamental rights and is included in the catalog of human rights. Its content is reflected in Article 41 of the Charter of Fundamental Rights of the European Union,[2] which states that everyone has the right to have their case considered impartially, fairly, and within a reasonable time by the institutions, bodies, offices, and agencies of the EU. This right includes: (i) The right of every person to be heard before any individual measure that may adversely affect them is taken; (ii) the right of every person to access documents in their file, with due regard for confidentiality, professional, and business secrecy; (iii) the obligation of the administration to provide reasons for its decisions. The Committee of Ministers of the Council of Europe has recommended that member states align their legislation with the principles of good administration.[3] Oversight by the European Ombudsman helps make the right to good administration operational in day-to-day decisions.[4]

Ukraine has gone through a long and difficult path toward the adoption of the Law "On Administrative Procedure." The need for adopting the Administrative Procedure Code of Ukraine was first raised in 1998 in the Decree of the President of Ukraine "On Administrative Reform in Ukraine".[4] However, it was only after Ukraine firmly declared its European integration aspirations that the attention of scholars, legislators, and civil servants turned to the concept of good administration, ultimately resulting in the drafting and adoption of the Law "On Administrative Procedure" in 2022.

A fundamental element within the institute of administrative procedure consists of the idea known as an "administrative act." For public administration, the administrative act is a classic and most commonly used instrument of activity; other instruments—such as actual actions, public law contracts, regulatory acts—are also used, but their role is not as significant.

Before the adoption of the Law "On Administrative Procedure," the term "administrative act" was not used in the legislative acts of Ukraine, except for an attempt to define it in the now-invalid resolution of the Cabinet of Ministers of Ukraine dated July 17, 2009, No. 737, "On Measures to Regulate Administrative Services".[5]

It is evident that the concept of the "administrative act," as a key element in the Law "On Administrative Procedure," holds great importance, as this Law regulates the procedure for adopting such an act and, in some cases, its implementation. This means that, when adopting individual acts concerning a person, subjects of public administration will need to determine whether the decision they intend to make constitutes an administrative act and, therefore, whether the Law of Ukraine "On Administrative Procedure" should be applied in the case. Consequently, it becomes apparent that understanding the legal character of an administrative act is not merely a theoretical issue but one of substantial practical relevance. Furthermore, the articulation of the Law enables the classification of decisions made by "atypical" entities as administrative acts.

When developing the provisions of the draft Law of Ukraine "On Administrative Procedure," Ukrainian legislators and experts were guided mainly by the German model of administrative procedural law, while also taking into account the experiences of other countries in implementing such legislation. One of these countries is the Republic of Latvia, where the Law on Administrative Procedure has been in force for over 20 years. It is worth noting that the Latvian law is also based on the German model. This conceptual alignment brings both legislative acts closer together and allows for their comparative legal analysis, highlighting both common and distinctive features.

2. Materials and methods

The methodological basis of the study consists of a set of general scientific and special legal methods used to conduct a comprehensive analysis of administrative acts in the field of land relations.

In particular, the following methods were applied during the research process:

(i) The dialectical method allowed us to consider administrative acts as a dynamic legal phenomenon that evolves under the influence of socio-economic conditions and legal reform.
(ii) Analysis and synthesis were employed to study the legal nature of an administrative act—its structure, form, legal consequences, and correlation with other types of legal acts.
(iii) The formal-legal method served as the main approach for analyzing legislative norms that regulate the procedure for adopting, implementing, and appealing administrative acts in the land sector.
(iv) The comparative legal method was used to compare the Ukrainian experience with that of other legal systems (e.g., EU countries), which allowed for the identification of opportunities to incorporate positive foreign experiences.
(v) The systemic approach made it possible to consider administrative acts as an element within a broader system of land legal relations and the administrative process.
(vi) The empirical method was applied in the analysis of judicial practice, as well as acts of local government bodies and executive authorities regulating land relations.

The methodological framework of the study is grounded in the theoretical foundations of administrative and land law, in particular, the concepts of authority, administrative discretion, and the principles of legal certainty and legality in public administration.

The following sections present examples and practical applications of these methods.

2.1. Dialectical method

The dialectical method was used to analyze the evolution of legal regulation concerning administrative acts in the land sector, from the Soviet approach, characterized by strict centralization, to a modern, more decentralized approach that reflects the principles of public administration.

This study investigated how the concept of adopting individual administrative acts has changed following the adoption of the Law of Ukraine "On Administrative Procedure" (2022).

2.2. Analysis and synthesis

This method was applied by analyzing individual elements of an administrative act (e.g., the subject adopting the act, its form, content, and legal consequences), and then synthesizing this information to form a holistic view of the administrative act as a legal category within the system of land relations.

For example, a typical act of a village council granting permission to develop a land management project was analyzed. Synthesis was then used to identify common features shared by all such acts.

2.3. Formal-legal method

The formal-legal method was applied to interpret the provisions of the Land Code of Ukraine, the Law of Ukraine "On Land Management," "On the State Land Cadastre," and other regulatory legal acts.

In particular, the legal construction of Article 118 of the Land Code of Ukraine—regarding the procedure for granting land plots to citizens as property—was analyzed, with attention to the identification of mandatory stages and conditions for adopting the relevant administrative act.

2.4. Comparative-legal method

This method involved a comparison of the procedures for adopting administrative acts in the field of land relations in Ukraine and Germany. It was found that in Germany, a clearly regulated administrative procedure (*Verwaltungsverfahren*) exists, which includes mandatory prior notification of interested parties and the right to express comments.

Based on this comparison, it was proposed that similar instruments be introduced in Ukraine —particularly the mandatory publication of draft decisions before their adoption.

2.5. System approach

Under this approach, the administrative act was not examined in isolation but as part of a broader system encompassing public administration bodies, decision-making procedures, rights registration, and judicial oversight.

This allowed for the identification of interrelationships between land law, the administrative process, and the right to access information (e.g., the obligation to publish decisions on community websites or in official registers).

2.6. Empirical method

The empirical method was employed through the analysis of more than 50 decisions by administrative courts concerning the invalidation of acts by local government bodies related to land plot transfers.

For instance, in case No. 234/6578/21, the court overturned a village council decision due to a procedural violation involving the required approval from the State Geocadastre. These cases enabled the identification of typical legal violations and facilitated the formulation of practical recommendations.

3. Results and discussion

In the general sense, an administrative act is an individual, unilateral expression of the will of a subject of authority, aimed at the emergence, alteration, or termination of the rights and obligations of specific persons in public legal relations.

The Law of Ukraine "On Administrative Procedure" defines an administrative act primarily through a positive approach. It is described as a decision or legally significant action of an individual nature, adopted (performed) by an administrative body, resolving a specific case, and aimed at the acquisition, change, termination, or exercise of the rights and/or obligations of an individual or individuals. From the content of this definition, it can be concluded that the Ukrainian legislator does not consider regulatory legal acts to be administrative acts. However, other features of an administrative act can also be identified from the provisions of this Law. The public-legal nature of an administrative act is indicated by its connection with public legal relations, as reflected in the definition of the category "administrative case" provided in the Law of Ukraine "On Administrative Procedure." An administrative act is externally directed, as its addressee is a person who is not in an employment or service relationship with the administrative body. This interpretation is the approach laid down in the specified Law regarding the understanding of the term "person".

The authors assert that for a body to be deemed an administrative act, it must possess the following attributes: (i) It is an outward instruction; (ii) it is a juridical act; (iii) it falls within he public-law sphere; (iv) it is issued by a competent administrative body; (v) it relates to a specifically identified individual or individuals; (vi) it creates, modifies, or terminates legal relations, or establishes a legally relevant factual circumstance; (vii) and it does not fall under the categories excluded by the negative portion of the legal definition, nor is its adoption beyond the scope of the law.

The absence of even one of these features indicates that the act is of a different legal type than an administrative act. Therefore, both for doctrinal understanding and practical application, it is important to clarify the defining characteristics of an administrative act and describe its content.

The external orientation, a key feature of an administrative act, refers to its effect being directed outward. It does not concern matters that arise within the administrative body or relate to the regulation of internal administrative activities. Decisions concerning the body itself (such as assignments, orders on business trips, or decisions on the reorganization of structural units), its employees, subordinates, or other internal matters are not considered administrative acts in this context. If such acts were subjected to the law regulating the adoption of administrative acts, employees were permitted to appeal them, the functioning of public administration would be significantly complicated. If an employee considers an internal order to be unlawful, they are required to notify a superior officer rather than appeal it in court.

However, in Latvia, a decision establishing, altering, or terminating the legal status of an official, imposing disciplinary measures, or otherwise significantly restricting the official's rights may be considered an administrative act, particularly if it significantly affects the individual's rights and legitimate interests. For example, the transfer of an official to another body or geographic location may or may not constitute an administrative act. Typically, such transfers are viewed as internal decisions; however, if the transfer substantially impacts the private life of the civil servant, it may be classified as an administrative act. In Latvian judicial practice, such decisions are recognized as administrative acts only in exceptional cases, and courts usually refuse to review them. In Ukraine, all decisions made in connection with public service (e.g., state service or service in local self-government bodies) are excluded from the scope of the Law "On Administrative Procedure." The legislator views relations arising in the performance of public service as internal in nature. An official is regarded as part of the organizational structure of an administrative body. Therefore, orders related to appointments, transfers, or disciplinary measures are not considered administrative acts within the meaning of the Law. Instead, their adoption is governed by other legislative acts, such as the Law "On Civil Service"[11] and the Law "On Service in Local Self-Government Bodies"[12]

It should be emphasized that the concept of external orientation is interpreted somewhat differently in Latvian and Ukrainian legal doctrines, resulting in different approaches to the interpretation of an administrative act by national laws.

> An administrative act is the result of the law enforcement activity of a public body, expressed in the form of an official decision that has binding force".[6,7]

In the field of land relations, administrative acts may take the following forms:

(i) Granting a land plot for ownership or use;
(ii) Changing the designated purpose of a land plot;
(iii) Approving technical documentation or land management projects;
(iv) Canceling or terminating land rights;
(v) Issuing permits or approvals within the scope of competence.

Such acts are individual administrative acts, that is, they are directed at a specific subject (an individual or legal entity) and generate legal consequences only for that subject.

A clear definition of an "administrative act" appeared in the Ukrainian legislation with the adoption of the Law of Ukraine "On Administrative Procedure" (dated November 17, 2021, No. 2073-IX), which entered into force on December 15, 2023. Article 2 of this Law defines: "An individual administrative act is a decision made by a subject of government authority within the framework of administrative proceedings, which concerns a specific person and has an external effect".[8]

In the field of land relations, such an act may take the form of, for example, a decision of a village council granting permission to develop a land management project; an order of the State Geocadastre approving land management documentation; or a decision of a local government body withdrawing a land plot from communal property.

Within German legal scholarship, the term "administrative act" (*Verwaltungsakt*) represents a fundamental element of administrative law. Its meaning is codified in § 35 of the Administrative Procedure Act of the Federal Republic of Germany (*Verwaltungsverfahrensgesetz*, VwVfG): "An administrative act is every decision made by a public authority in the form of an order that concerns a separate case and has external effect".[9] In the land sector in Germany, administrative acts cover such actions as: approval of the division of a land plot; issuance of a building permit (including changes in purpose); and approval of a development plan for the territory (*Bebauungsplan*).[10]

An important difference in German practice is the clearly structured procedure for adopting an administrative act, which includes mandatory prior notification of interested parties, an opportunity to express objections, and a written justification of the decision.

In France, administrative acts are classified as individual, normative, or mixed. In the field of land administration, typical examples include prefectural decrees granting building permits or approving local cadastral plans.

French administrative law emphasizes the principles of publicity, access to information, and the right to appeal administrative acts before the administrative court (*Tribunal administratif*).[11]

The legal nature of an administrative act means that it is aimed at granting or implementing specific subjective public rights or imposing obligations stipulated by law. Such acts are usually adopted in written form, but they may also be oral (verbal), expressed through signs or gestures, or conveyed by logical actions. By the attribute of "legal act," an administrative act differs from an actual action. A legal act establishes, modifies, or terminates specific legal relationships or legal status, while actual actions lead to real consequences without directly affecting legal rights or obligations.

For example, if an administrative body requires a person to dismantle a fence, then the decision imposing this obligation is a legal act. If the person fails to comply, the body may enforce the decision through coercive measures. On the other hand, if the authorities remove the fence themselves (e.g., to prevent immediate danger) without first imposing an obligation on the owner, the act has real consequences but is not an act of law. Similarly, the provision of data or information does not create legal consequences and is therefore considered a factual action, not an administrative act.[12]

Actions of public administration that are not aimed at creating either legal or factual consequences should be distinguished from administrative acts. In legal scholarship, these are known as technical acts or simple acts under public law. Simple actions include, for example, providing information about an institution's activities, issuing warnings, offering explanations or recommendations, opening an institution to visitors, and others.

A warning issued by a government body, as a rule, is not considered an administrative act, as it merely expresses the possibility of legal consequences but does not cause them directly.[13]

A refusal to adopt an administrative act is itself an administrative act. In European legal doctrine, this is referred to as a negative administrative act. For example,

if a person applies to a public authority for a firearms permit and the request is granted, the applicant's legal status changes: they acquire the right to own and use the specified weapon for the period specified in the permit. On the other hand, if the request is denied, no change occurs in the applicant's legal status—they do not gain new rights, but they do not lose existing ones either. However, from a legal point of view, the refusal constitutes a negative administrative act not because the applicant did not receive the desired outcome, but because the decision did not result in any change to legal status or specific legal relations.[14,pp.230-231]

The Law of Ukraine "On Administrative Procedure" refers to such decisions as acts that negatively affect the rights, freedoms, and legitimate interests of a person. These include decisions to refuse an application, to impose an obligation, or to prohibit certain actions.

However, it should be emphasized that not every refusal constitutes an administrative act. If a person addresses a public body not to protect their own rights, but instead submits a petition or notification aimed at protecting abstract rights or legitimate interests—for example, a proposal to change a legislative norm or to punish an official—then a refusal in response to such a submission is not considered an administrative act. In such cases, the person has the right only to an official response. In other words, a refusal is deemed an administrative act only if, in the positive scenario, an administrative act would have been issued concerning that person. In some instances, inaction (failure to perform certain actions) may also produce legal consequences in the sense of an administrative act. This occurs when the regulatory framework implies that a failure to respond to an application is considered permission. In legal literature, such outcomes are referred to as fictitious administrative acts.[15,p.594] In Ukraine, the possibility of acquiring rights as a result of the inaction of an administrative body is provided for by law. This is known as the principle of tacit consent. For example, the Law of Ukraine "On the Permit System in Economic Activities"[16] provides that if a permit document is not issued within the legally prescribed time frame, or if no decision to refuse its issuance is made, then, 10 working days after the expiry of the established period, the business entity acquires the right to undertake the specified economic activity or activities.[17]

An administrative act is usually addressed to an individually identified person or persons. For instance, a building permit is issued to a specific developer, and a pension award decision is made concerning a specific citizen. Because administrative acts are individual, that is, directed to specific persons, they differ from regulatory acts, which are addressed to an indefinite group of persons.[18]

An administrative act is individual in nature; it regulates specific legal relations and, as a rule, concerns a specific person and a particular case.[19] An administrative act implements the provisions of a regulatory act; through it, legal norms are applied to concrete life situations and specific persons. Such a group may include, for example, participants in an organized or spontaneous rally or march. A police officer's order to stop a rally or march applies both to the group as a whole and to each individual member.[20]

An administrative act in Latvia can also be issued in relation to an individually unspecified group of persons who are in specific and defined circumstances. The main indicator that such a decision qualifies as an administrative act is the presence of specific circumstances and a time-limited life situation.[21] For example, a requirement that no one may remain in a building due to danger, or a ban on swimming due to pollution. All persons inside the building are obliged to leave it, and the individuals affected by the swimming ban are not specifically known. Similarly, a ban on movement on a certain street due to the risk of a landslide, a road sign, or a traffic light applies to everyone who enters its zone of effect, but only once they do so.[22] Given that these acts do not regulate abstract conditions, they cannot be considered normative acts, and the fact that they lack a specific addressee means they also do not fall under the category of typical administrative acts. Nevertheless, such administrative acts, with minor exceptions, are subjected to the same procedural rules as ordinary administrative acts.[23]

The Law of Ukraine "On Administrative Procedure" does not contain a provision allowing for the adoption of administrative acts in relation to an individually unspecified group of persons. Moreover, the current legislation does not define the legal nature of such acts or establish special rules for them, which creates, in particular, uncertainty regarding the procedures and methods for appealing them.[24]

The purpose of an administrative act is achieved through the emergence of legal consequences, which clarify how and to what extent legal relations are regulated.

Legal relations are established by granting a person certain rights or imposing obligations. With the adoption of an administrative act that establishes legal relations, such relations arise anew. For example, a person

may be granted a pension, be obliged to demolish an unauthorized structure, or be required to pay a certain amount to the state budget.[25]

Granting rights can also take the form of a permit, while imposing an obligation includes not only requiring a person to perform an action but also to endure or tolerate an action.[26]

Legal relations are modified when the legal situation previously established by an administrative act is changed. The modification of an administrative act constitutes a new administrative act. When legal relations are changed, the previously existing arose are effectively terminated, and new ones are established. For example, the amount of a pension may be increased, or the deadline for the demolition of a building may be extended.[27]

In Ukrainian legal doctrine, an administrative act is considered to be one that grants a person rights, exercises those rights, modifies or terminates them, and also imposes obligations. Clearly, in all such cases, legal relations between an administrative body and an individual are established.[28]

A legal relationship or factual situation is also established when the public-legal status of a person or case is determined by an administrative act. Through a declarative administrative act, a factual situation acquires official recognition by the state.[29] The most common certifying acts are various types of certificates. For example, under Chapter VII of the Law of Latvia "On Veterinary Medicine," the Food and Veterinary Service conducts veterinary examinations. Based on the results of such an inspection, a certifying administrative act is issued, which confirms, on behalf of the state, that the relevant product meets the required standards and may be sold on the market.[30]

Acts of state civil registration, which certify the fact of a person's birth or death, and others, can also be considered as certifying (or notarizing) administrative acts.[31]

The legal nature of an administrative act in the field of land relations is defined, in part, by Article 2 of the Law of Ukraine "On Administrative Procedure," which provides that an individual administrative act is a decision made by a subject of authority within the framework of administrative proceedings, which has an external effect and concerns a specific person.[32] In the land sector, such acts include, in particular: decisions on the transfer of a land plot into ownership or use; orders of the State Geocadastre refusing to approve a land management project; and decisions of local government bodies on changing the purpose of a land plot.[32] These acts are the result of the authoritative activities of public administration bodies and are subjected to judicial review in the event of a violation of legality or infringement of the rights of interested persons.

The grounds for appealing administrative acts are outlined, in particular, in Article 19 of the Code of Administrative Procedure of Ukraine, which states that every person has the right to appeal to an administrative court if they believe that a decision, action, or inaction of a subject of public authority has violated their rights.[33]

The most common grounds for annulment of administrative acts in the land sector include: violation of the procedure for adopting the act (e.g., lack of approval, failure to meet deadlines); issuance of the act without proper justification or in violation of the principle of proportionality; exceeding the limits of authority by the issuing body; ignoring the rights or interests of third parties (e.g., neighbors, tenants, co-owners); and inconsistency of the act's content with legal requirements (e.g., the Land Code of Ukraine, the Law of Ukraine "On Land Management").

Case law provides examples of how administrative acts have been appealed and reviewed by courts in various jurisdictions, particularly in the field of land relations.[34]

(i) Case No. 922/1271/21
Substance: The plaintiff appealed the decision of the city council to transfer a land plot into private ownership to a third party, claiming that he was the legal tenant of the plot.
Decision: The court overturned the council's decision, finding that the local government body had failed to verify the existence of a valid lease agreement and had not notified the tenant. This was deemed a violation of the principles of legality and good faith.[35]

(ii) Case No. 815/6842/21 (Supreme Court)
Substance: The plaintiff requested to cancel the order of the Main Department of the State Geocadastre, which had refused to approve the land management project.
Decision: The court overturned the order, ruling that the defendant had failed to substantiate the reasons for the refusal and had not cited any legal norm or specific fact. This was found to be in violation of Article 9 of the Law of Ukraine "On Administrative Procedure," which establishes the obligation to provide justification for administrative acts.[19]

(iii) Case No. 234/6578/20
Substance: A citizen appealed the decision of a local government body to seize a land plot for community needs without the consent of the user.

Table 1. Administrative acts in land relations

Level/type of act	Subjects of adoption	Content and focus	Functions in land relations
Strategic acts	President, Verkhovna Rada, Cabinet of Ministers	Decrees, resolutions, state programs on land policy	Formation of principles, strategic goals, and policy directions
Regulatory legal acts	Cabinet of Ministers, ministries, central executive bodies	Land use rules, instructions, standards, cadastre maintenance procedures	Regulation of relations, establishment of general rules
Individual administrative acts	Local self-government bodies, state administrations, State Geocadastre	Decisions on land plot allocation, change of land use purpose, registration of rights	Implementation of specific rights and obligations of participants
Control and supervisory acts	State Ecological Inspectorate, land control bodies	Regulations on eliminating violations, protocols on administrative offenses	Ensuring compliance with legislation, protection of lands

Table 2. Court cases in the field of land relations

Case no./ country	Case name/ type	Essence of the dispute	Legal position of the court	Regulatory framework	Conclusions
Ukraine (Case No. 922/1271/21)	Commercial case (Kharkiv Commercial Court)	Use of a land plot without title documents	Required to vacate the plot due to the absence of a lease agreement	Land Code of Ukraine; Law "On Land Lease;" Civil Code of Ukraine	Use without a contract constitutes unjust enrichment
Ukraine (Case No. 815/6842/21)	Administrative case (Odessa District Administrative Court)	Appeal against refusal to grant permission to develop a land management project	Refusal declared unlawful; the authority was required to grant permission	Law of Ukraine "On Land Management;" ZKU; CAS of Ukraine	Authorities have no discretion for an unjustified refusal
Ukraine (Case No. 234/6578/20)	Civil case (Kramatorsky City Court)	Recognition of ownership of a land plot by inheritance	Property right of heir recognized	Civil Code of Ukraine; ZKU; Law "On State Registration of Property Rights"	Inheritance rights to land are protected even without a cadastre
Germany (BVerwG, 9 C 4.19, 2020)	Federal Administrative Court	Appeal against the change of purpose of a land plot	Priority of public interest confirmed	BauGB; VwVfG	Public interest priority over private interests
Latvia (Senāts, SKA-56/2021)	Supreme Court (Senate)	Illegal alienation of a municipal land plot	Declared unlawful due to violation of the property assessment procedure	*Likums "Par pašvaldībām;" Zemes likums*	Transfer of community land can only occur through an open competition
France (Conseil d'État, No. 430785, 2022)	State Council (*Conseil d'État*)	Expropriation of private land for public needs	Expropriation upheld if proportionate and with compensation	*Code de l'expropriation*; Code rural	Balance must be maintained between property rights and public necessity

Abbreviations: BauGB: Baugesetzbuch; CAS: Code of Administrative Procedure of Ukraine; VwVfG: Administrative Procedures Act; ZKU: Land Code of Ukraine.

Table 1 describes in detail the content of administrative acts in land relations according to certain criteria as subjects of adoption, content and focus, and functions in land relations.[28] In turn, Table 2 discloses court cases in the field of land relations.[38]

Decision: The court found a violation of Article 149 of the Law of Ukraine "On Land Use," which permits forced land seizure only in exceptional cases. The absence of user consent and lack of proper justification were sufficient grounds to annul the decision.[36]

The legal systems of EU member states, particularly Germany and Poland, offer valuable foreign experience and have developed mechanisms for the preventive protection of citizens' rights at the stage of preparing an administrative act. For example, in Germany, the law requires prior information of an individual (*Anhörung*) and grants them the right to express their position before a decision is made (§ 28 *Verwaltungsverfahrensgesetz*, VwVfG).[37]

In Poland, a similar procedure is enshrined in the Code of Administrative Procedure, which requires mandatory notification of the parties and detailed motivation for each decision.[25]

Importantly, several key problems persist in the practice of adopting administrative acts in the field of land relations. These include low quality of administrative acts, often characterized by a lack of proper justification and the absence of references to relevant legal norms. There is also frequent abuse of authority by local government bodies, which undermines the rule of law and public trust. In addition, the principle of participation by interested parties in the decision-making procedure is often disregarded, limiting transparency and accountability.[38]

To address these challenges, several proposals can be considered. First, the introduction of an electronic register of administrative acts in the field of land relations would enhance transparency and public access. Second, it is essential to ensure mandatory legal review of draft decisions adopted by local councils. In addition, the expansion of alternative dispute resolution mechanisms, such as mediation or administrative appeals, could provide more efficient and equitable resolution of conflicts. Finally, introduce prior information and public participation in the consideration of land issues, following the German model, promote greater transparency and fairness.[39]

4. Conclusion

Administrative acts in the field of land relations are specific legal forms of public administration that play a crucial role in the distribution, use, and protection of land resources. Improving their legal regulation in Ukraine is possible by taking into account European experiences, especially in terms of ensuring transparency of procedures, effective oversight, and protection of citizens' rights.

The category of "administrative act" is relatively new to Ukrainian science and legislation; therefore, defining its legal nature and interpretation is extremely important, primarily for the practical application of the Law of Ukraine "On Administrative Procedure." For a decision by a public body to be regarded as an administrative act, it must exhibit a specific set of attributes: it should be externally oriented, constitute a legal act, fall within the realm of public law, be issued by an authorized body, address a clearly identified individual or group, create, modify, or terminate legal relations or establish a factual circumstance, not fall into any of the categories excluded in the negative portion of the administrative act definition, and its adoption must be regulated by law. The absence of even one of these characteristics means the act is of a different nature and not administrative.

Administrative acts pertaining to land relations profoundly influence the realization of citizens' rights. Contesting such acts serves as an effective mechanism for overseeing the legality of public administration. Judicial practice demonstrates that a large number of such acts are annulled due to procedural violations, lack of proper motivation, or disregard for the rights of third parties.

To increase the effectiveness of appeals, it is necessary to improve both the regulatory framework and the practices of public administration bodies, taking into account European standards of good governance.

Acknowledgments

None.

Funding

None.

Conflict of interest

The authors declare no conflicts of interest.

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Availability of data

The data generated or analyzed during this study are included within the manuscript.

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