

# PRZEGLĄD PRAWA ADMINISTRACYJNEGO

(3)2020 • DOI: 10.17951/ppa.2020.3.31-41

TARAS SHEVCHENKO NATIONAL UNIVERSITY OF KYIV

OLENA BEVZ

bevzo@i.ua

ORCID ID: <https://orcid.org/0000-0002-3445-3564>

## Legal Aspects of the Executive Bodies System Formation in the Area of the Use and Protection of Historical and Cultural Lands in Ukraine

*Prawne aspekty tworzenia systemu organów wykonawczych  
w zakresie wykorzystania i ochrony terenów o znaczeniu  
historyczno-kulturowym na Ukrainie*

### Introduction

The term “administration” is used in different meanings and, consequently, administration issues remain relevant for various sciences through the years, including law. In modern legal science, the analysis of the concept and content of the term “administration” and the executive bodies system is a classic problem that was carried out by representatives of administrative law science.<sup>1</sup> Besides,

---

<sup>1</sup> V.B. Averyanov, *Administrative Law of Ukraine. Academic Course*, vol. 1: *General Part*, Kyiv 2007, p. 592; idem, *Bodies of Executive Power in Ukraine*, Kyiv 1997, p. 48; *General Administrative*

today the concept of “administration” has become widespread and studied in other than administrative law, branches of the law of Ukraine, including environmental and land law. In particular, issues of public administration in the field of use and protection of lands of historical and cultural significance have already been studied.<sup>2</sup> Thus, previous studies have reported that a characteristic feature of public administration in this area is the dispersion of functions between different government agencies<sup>3</sup> and that the tendency to lack an integrated system of public administration has become chronic.<sup>4</sup> The issue has grown in importance in light of recent changes in Ukrainian legislation.

Since land administration in Ukraine is a component of public administration, the problems that are typical for the public administration, in general, are intrinsic to the governance in land use and protection in Ukraine as part of public administration. Therefore, the search for the optimal (according to the terminology of the Resolution of the Cabinet of Ministers of Ukraine “On Optimizing the System of Central Executive Bodies” of September 10, 2014, no. 442<sup>5</sup>) system of administration did not omit the executive bodies, which manage to ensure the rational use, reproduction, and protection of lands of historical and cultural significance. Hence, there is a need to regularly return to the study of administration features of this category of land.

The rules of conduct established by law depend on the objects, in connection with which the land relationship arises. Certain general patterns are characteristic of administration for any category of land. The Land Code of Ukraine, adopted on October 25, 2001,<sup>6</sup> at first, identified the lands of historical and cultural significance as a separate category. If we are talking about a separate category, then

---

*Law: Textbook*, I.S. Gritsenko (ed.), Kyiv 2015, p. 568; V. Averyanov, V. Derets, A. Pukhtetska, *The Organization of Executive Branch Needs to Be Reformed*, “Law of Ukraine: Legal Journal” 2009, no. 12, pp. 39–46.

<sup>2</sup> O.V. Donets, *The Legal Regime of Lands of Historical and Cultural Use in Ukraine*, PhD thesis (12.00.06), Kharkiv 2010, p. 218; O.V. Bevz, *The Legal Regime of Lands of Historical and Cultural Use in Ukraine (Historical Areas of Population Centers)*, PhD thesis (12.00.06), Kyiv 2012, p. 211; eadem, *Organizational and Legal Aspects of the Use and Protection of Lands of Historical and Cultural Significance in the Context of the Optimization of Executive Power System in Ukraine*, “Administrative Law and Process” 2015, vol. 1(11), pp. 234–245.

<sup>3</sup> O.V. Bevz, *The Legal...*, *op. cit.*, p. 12.

<sup>4</sup> O.M. Lytvynenko, *Directions of Improvement of Legal and Institutional Mechanisms of Cultural Heritage Protection*, <https://niss.gov.ua/doslidzhennya/socialna-politika/napryami-vdoskonalennya-pravovikh-ta-instituciynikh-mekhanizmiv> [access: 28.11.2020].

<sup>5</sup> Resolution of the Cabinet of Ministers of Ukraine “On Optimizing the System of Central Executive Bodies” of September 10, 2014, no. 442, <https://zakon.rada.gov.ua/laws/show/442-2014-%D0%BF#Text> [access: 25.11.2020].

<sup>6</sup> Land Code of Ukraine of October 25, 2001, <https://zakon.rada.gov.ua/laws/show/2768-14#Text> [access: 27.11.2020].

the general patterns are added to the specific ones, which are determined by the purpose of a particular category. This category of land has a direct and close connection with the problem of cultural heritage protection. Consequently, the administration of historical and cultural lands takes into account the patterns of use and protection of cultural heritage sites located on these lands.

It is worth mentioning that the Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted by the General Conference of UNESCO on 16 November 1972,<sup>7</sup> states that “deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world”. Like Ukraine, Poland is a State Party to this Convention. Moreover, some cultural heritage sites of not only local and national but also international significance have been preserved in Ukraine and are included in the World Heritage List<sup>8</sup> (among them Wooden *Tserkvas* of the Carpathian Region in Poland and Ukraine<sup>9</sup>). Taking this into consideration, the preservation of such properties is not only an internal issue of Ukraine but also its obligation to the international community.

### The system of the central bodies of the executive power in the area of use and protection of lands of historical and cultural significance

Administration in the sphere of use and protection of historical and cultural lands due to the specifics of this category of land is, to some extent, carried out by various executive bodies, such as executive bodies in the sphere of land relations, cultural heritage protection, urban planning, and architecture.

As for executive bodies in the sphere of land relations, the State Service of Ukraine for Geodesy, Cartography, and Cadastre is that central executive body that implements the state policy in the sphere of land relations, use and protection of the land of all categories and forms of ownership. According to item 34 of the Provisions on the State Service of Ukraine for Geodesy, Cartography and Cadastre, approved by the Resolution of the Cabinet of Ministers of Ukraine on January 14, 2015, no. 152,<sup>10</sup> the State Geo Cadastre ensures the preparation and

---

<sup>7</sup> Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted by the General Conference of UNESCO on November 16, 1972, <https://whc.unesco.org/archive/convention-en.pdf> [access: 27.11.2020].

<sup>8</sup> World Heritage List, <https://whc.unesco.org/en/list/> [access: 27.11.2020].

<sup>9</sup> Decision: 37 COM 8B.37, <https://whc.unesco.org/en/decisions/5165> [access: 27.11.2020].

<sup>10</sup> Provisions on the State Service of Ukraine for Geodesy, Cartography and Cadastre, approved by the Resolution of the Cabinet of Ministers of Ukraine on January 14, 2015, no. 152, <https://zakon.rada.gov.ua/laws/show/15-2015-%D0%BF#n12> [access: 23.11.2020].

implementation of organizational, economic, environmental, and other measures aimed at the rational use and protection of land, their protection from harmful anthropogenic impact, compliance with the regime of land use for environmental, health, recreational and historical and cultural purposes.

*Ergo*, the powers of the executive body that deals with land relations in terms of the use and protection of historical and cultural lands are defined only in general, without taking into account the specifics of this category of land, do not reflect the specifics of the object, i.e. lands of historical and cultural significance. As the use of historical and cultural lands should be carried out in compliance with the requirements for the preservation of cultural heritage sites, administration in the use and protection of these lands should take place within a framework of executive bodies specifically authorized to protect cultural heritage. In this scientific article, we will focus on them. According to some scientists, such bodies are imputable to the executive authorities with special competence (regulation of land relations is not the main area of their activities, but the implementation of basic powers is inextricably linked with the use and protection of land as a territorial basis for infrastructure<sup>11</sup>), as well as to inter-sectoral bodies (the competence of these bodies covers a certain functional area<sup>12</sup>).

According to Part 1 of Art. 3 of the Law of Ukraine “On Protection of Cultural Heritage” of May 8, 2000,<sup>13</sup> the specifically authorized bodies dealing with the protection of cultural heritage include the central executive bodies that ensure the formation and implementation of state policy in the sphere of protection of cultural heritage. There is no specific name of such bodies in the Law. Today, the main body in the system of central executive bodies that ensures the formation and implementation of state policy in the sphere of cultural heritage protection is the Ministry of Culture and Information Policy of Ukraine (hereinafter referred to as “MCIP”). Not surprisingly, the Law does not mention the name of the Ministry, as last year alone, this body was reformed and changed its name three times:

- the Ministry of Culture of Ukraine. The Provisions of the Ministry of Culture of Ukraine were approved by the Resolution of the Cabinet of Ministers on September 3, 2014, no. 495,<sup>14</sup>
- the Ministry of Culture, Youth, and Sports. In accordance with the Resolution of the Cabinet of Ministers of September 2, 2019, no. 829

<sup>11</sup> *Land Law of Ukraine*, O.O. Pohribny, I.I. Karakash (eds.), Kyiv 2009, pp. 65–66.

<sup>12</sup> A.M. Miroshnychenko, *Land Law of Ukraine*, Kyiv 2011, p. 322.

<sup>13</sup> Law of Ukraine “On Protection of Cultural Heritage” of May 8, 2000, <https://zakon.rada.gov.ua/laws/show/1805-14#Text> [access: 23.11.2020].

<sup>14</sup> Provisions of the Ministry of Culture of Ukraine of September 3, 2014, approved by the resolution of the Cabinet of Ministers, no. 495, <https://zakon.rada.gov.ua/laws/show/495-2014-%D0%B-F#Text> [access: 24.11.2020].

- “On Optimization of the System of Central Executive Bodies”<sup>15</sup> the Ministry of Culture of Ukraine was liquidated and its functions were entrusted to the Ministry of Culture, Youth, and Sports of Ukraine. The provisions of the Ministry of Culture, Youth, and Sports of Ukraine were approved by the Resolution of the Cabinet of Ministers on October 16, 2019, no. 885,<sup>16</sup>
- the Ministry of Culture, and Information Policy of Ukraine. On March 23, 2020, the Provisions were amended by the Resolution of the Cabinet of Ministers no. 231.<sup>17</sup> In the title of the Provisions the words “the Ministry of Culture, Youth, and Sports of Ukraine” were replaced by “the Ministry of Culture, and Information Policy of Ukraine”.

It is interesting to compare that in Poland a governmental administration office concerned with various aspects of Polish culture is the Ministry of Culture and National Heritage of the Republic of Poland (*Ministerstwo Kultury i Dziedzictwa Narodowego*). It was formed on 31 October 2005, from transformation of the Ministry of Culture of the Republic of Poland.

Not only have the name of the ministry changed but also its powers. It is necessary to outline that Art. 5 of the Law of Ukraine “On Protection of Cultural Heritage” distinguishes between the authorities of the central executive body that provides for the creation of state policy in the sphere of cultural heritage protection and the authorities of the central executive body that implements the state policy in the sphere of cultural heritage protection. Since October 16, 2012, when such a division of authorities was introduced according to the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the Activities of the Ministry of Justice of Ukraine, the Ministry of Culture of Ukraine, Other Central Executive Bodies, Whose Activities Are Directed and Coordinated Through Relevant Ministers, and also of the State Space Agency of Ukraine”,<sup>18</sup>

---

<sup>15</sup> Resolution of the Cabinet of Ministers of September 2, 2019, no. 829 “On Optimization of the System of Central Executive Bodies”, <https://www.kmu.gov.ua/npas/deyaki-pitannya-optimizaciyi-sistem-829> [access: 24.11.2020].

<sup>16</sup> Provisions of the Ministry of Culture, Youth and Sports of Ukraine of October 16, 2019, approved by the Resolution of the Cabinet of Ministers, no. 885, <https://zakon.rada.gov.ua/laws/show/885-2019-%D0%BF#Text> [access: 24.11.2020].

<sup>17</sup> Resolution of the Cabinet of Ministers “On Amendments to Some Acts of the Cabinet of Ministers of Ukraine regarding the activities of the Ministry of Culture and Information Policy” of March 23, 2020, no. 231, <https://zakon.rada.gov.ua/laws/show/231-2020-%D0%BF#Text> [access: 24.11.2020].

<sup>18</sup> Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the Activities of the Ministry of Justice of Ukraine, the Ministry of Culture of Ukraine, Other Central Executive Bodies, Whose Activities Are Directed and Coordinated through Relevant Ministers, and also of the State Space Agency of Ukraine” of October 16, 2020, <https://zakon.rada.gov.ua/laws/show/5461-17#Text> [access: 24.11.2020].

and until December 4, 2019, it was only formal, relevant Ministry that was responsible for providing the formation and implementation of state policy in the sphere of cultural heritage protection simultaneously. On December 4, 2019, the State Service for the Protection of Cultural Heritage of Ukraine (hereinafter referred to as “the Service”) and the State Inspection for Cultural Heritage of Ukraine (hereinafter referred to as “the Inspection”) were established as central executive bodies. And while the relevant Service in the sphere of cultural heritage protection once existed,<sup>19</sup> the Inspection was created for the first time.

According to the logic of the Law of Ukraine “On Central Bodies of Executive Power” of March 17, 2011,<sup>20</sup> the system of central executive bodies consists of the ministries of Ukraine and other central executive bodies (Part 1 of Art. 1 of the Law). A ministry is a central body of executive power that provides for the creation of and implements the state policy in one or several fields determined by the President of Ukraine, the execution of which is assigned to the Cabinet of Ministers of Ukraine by the Constitution and the Laws of Ukraine. Ministries ensure the formation and implementation of state policy in one or more areas, other central executive bodies perform certain functions for the implementation of state policy (Part 2 of Art. 1 of the Law). According to Part 2 of Art. 17 of the same Law, if most of the functions of the central body of executive power are functions of providing administrative services to individuals and legal entities, the central body of executive power is formed as a service; if most of the functions of the central executive body are control and supervisory functions for compliance by state bodies, local governments, their officials, legal entities and individuals with legislation, the central executive body is formed as an inspection.

The essence of the new Service and Inspection, the causes and future consequences of their establishment were explained in the ministry in the following way: for example, the Ministry will formulate a heritage preservation policy based on the concept of integrated urban development (preservation of historic buildings, monuments along with providing modern living conditions for people), and the State Inspection and State Service will implement it.<sup>21</sup>

---

<sup>19</sup> The State Service for the Protection of Cultural Heritage was established on March 30, 2002. On March 15, 2006, it was later replaced by the State Service for National Cultural Heritage. In turn, it was liquidated according to the Resolution of the Cabinet of Ministers of Ukraine on March 28, 2011. Later, the Ministry of Culture had a Department of Cultural Heritage and Cultural Values, which ceased to exist in 2014.

<sup>20</sup> Law of Ukraine “On Central Bodies of Executive Power” of March 17, 2011, <https://zakon.rada.gov.ua/laws/show/346-2011-%D0%BF#Text> [access: 24.11.2020].

<sup>21</sup> *The State Inspection and the State Service for Cultural Heritage Protection: What They Are and Why They Are Needed by the MCMS*, <http://mkms.gov.ua/news/3241.html> [access: 23.11.2020].

Provisions of the Service and Inspection were approved by the Resolution of the Cabinet of Ministers of December 24, 2019, no. 1185 “On Approval of Provisions of Some Central Executive Bodies in the Sphere of Culture and Amendments to the Regulations on the Ministry of Culture, Youth and Sports of Ukraine”.<sup>22</sup>

So, the Inspection is a central executive body that implements state policy on the control in the sphere of cultural heritage protection. As regards its tasks, the Service, in particular:

- supervises the implementation of works on research, conservation, rehabilitation, restoration, repair, adaptation, and museification of monuments and World Heritage sites,
- appoints appropriate protection measures for monuments of national importance, World Heritage sites, their territories in the event of a threat of destruction or damage to these objects due to natural factors,
- prohibits any activity that poses a threat to a cultural heritage site, the outstanding universal value of a world heritage site or violates legislation in the sphere of cultural heritage protection,
- issues orders and instructions on the protection of monuments of national importance, World Heritage sites, termination of work on their territories, in protection zones, buffer zones, in protected archaeological areas, in the historical habitation areas; monitors whether such works are carried out with the consent of relevant bodies of cultural heritage protection according to programs and projects provided by the Law of Ukraine “On Protection of Cultural Heritage”; it also checks approvals and derogations from them,
- imposes financial sanctions for violation of the legislation on protection of cultural heritage.

According to the Resolution of the Cabinet of Ministers of December 24, 2019, no. 1185, the Service implements the state policy in the sphere of cultural heritage protection except for the control. It has a large number of powers concerning land issues. For instance, it:

- submits to the Minister of Culture and Information Policy proposals on approval of the List of Historic Settlements of Ukraine and amendments to it,
- determines the boundaries of the territories of monuments of national importance and approves their protection zones, protected archaeological territories, historical habitation areas; submits to the Ministry of Culture

---

<sup>22</sup> Resolution of the Cabinet of Ministers “On Approval of Provisions of Some Central Executive Bodies in the Sphere of Culture and Amendments to the Regulations on the Ministry of Culture, Youth and Sports of Ukraine” of December 24, 2019, no. 1185, <https://zakon.rada.gov.ua/laws/show/1185-2019-%D0%BF#Text> [access: 23.11.2020].

- and Information Policy proposals on the establishment of the regime of use of monuments of national importance, their territories, protection zones, protected archaeological territories, historical areas of settlements,
- approves the boundaries of the territories of World Heritage sites and their buffer zones,
  - approves programs and drafts of urban planning, architectural and landscape transformations, reclamation, road, earthworks on monuments of national value, their territories, in historical and cultural reserves, on historical and cultural protected territories, in protection zones, on protected archeological territories, in the historical habitation areas, as well as programs and projects the implementation of which may have an impact on cultural heritage sites,
  - issues permits for works on monuments of national importance, World Heritage sites, their territories, in protection zones, buffer zones, in protected archeological territories, in historical habitation areas,
  - issues permits for a resumption of earthworks,
  - approves land management documentation in the cases and under the procedure specified by the Land Code of Ukraine and the Law of Ukraine “On Land Management” regarding the compliance of the specified documentation with the legislation in the sphere of cultural heritage protection,
  - gives permission for conducting archeological explorations, excavations, other earthworks on the territory of the monument, protected archeological territory, in protection zones, in historical habitation areas.

However, according to the Resolution of the Cabinet of Ministers of March 23, 2020, no. 231 “On Amendments to Certain Acts of the Cabinet of Ministers of Ukraine Concerning the Activities of the Ministry of Culture and Information Policy”, these provisions were suspended. In response to a request for information on the stage of the process of establishing the Service and the Inspection as well as reasons for the suspension of the relevant Resolution, which approved the provisions of these bodies, the answer was as follows: the result of the elections for the heads of the Service and Inspection, announced by the Orders of the Cabinet of Ministers of December 11, 2019, no. 1265 and 1266, remained unresolved. And for the period of quarantine established to prevent the spread of acute respiratory disease COVID-19, elections for civil service positions and appointments to civil service positions were suspended.

Accordingly, today, out of the central executive bodies that ensure the formation and implementation of state policy in the sphere of cultural heritage protection, only the MCIP functions. It should be noted that the provisions on the Ministry were amended by the Resolution of the Cabinet of Ministers of December 24, 2019, no. 1185 and certain items that were to be implemented by



the newly created Service and Inspection and which relate to administration in the sphere of use and protection of historical and cultural lands were excluded. Some scholars claim that previously, the role of the Ministry of Culture in ensuring the rational use and protection of historical and cultural lands, have been reduced to the implementation of the following groups of powers: 1) defining the boundaries of land plots of historical and cultural significance; 2) clarification of the legal regime of lands for their use, and protection; 3) regulation of the use of land plots of historical and cultural significance.<sup>23</sup> In the opinion of other scientists, however, there are three additional groups of powers, which are aimed at regulating the formation, use, and protection of cultural heritage sites.<sup>24</sup> Now such powers of the MCIP have decreased. In particular, the boundaries of land plots of historical and cultural significance should be determined by the Service.

At the same time, although Art. 5 of the Law of Ukraine “On Protection of Cultural Heritage” defines the powers of the central executive body in the sphere of protection of cultural heritage, their list is incomplete. In particular, Art. 5 of the Law does not mention participation in the implementation of state control over the use of lands of historical and cultural significance. Previously, such power was provided for the Ministry, and now, in theory, should be submitted to the Inspection. At the moment, however, none of the three authorities has this power. Besides, Part 2 of Art. 5 of the Law sets out the powers of the central body of executive power, which implements the state policy in the sphere of cultural heritage protection, without division into the powers of the Service and Inspection.

## Conclusions

Public administration in the sphere of use and protection of lands of historical and cultural significance is one of the important elements of the legal regime of this category of lands. It is becoming increasingly difficult to ignore the fact that solving problems of sustainable use and protection of land is not possible without creating a balanced system of government institutions, determining the powers and principles of powers division between the state authorities, as well as the legislative provisions of their functions and tasks in the sphere of use and protection of lands of historical and cultural purpose. The issue has grown

---

<sup>23</sup> *Land Law of Ukraine. Academic Course*, vol. 1, V.I. Semchik, P.F. Kulinich, M.V. Shulga (eds.), Kyiv 2008, pp. 544–545.

<sup>24</sup> O.V. Donets, *op. cit.*, p. 143.

in importance in the light of recent changes in the legislation concerning the optimization of executive powers.

From other branches, public administration of land use and protection is distinguished primarily by the specifics of its object, namely the relations concerning the use, reproduction, and protection of land. A characteristic feature of administration in this area is the dispersion of functions between different government agencies. The powers of the land resources authorities do not reflect the specifics of the object in the field of protection and use which in this case is managed, i.e. lands of historical and cultural significance. That is why the administration in the sphere of use and protection of lands of historical and cultural significance should proceed with the active participation of specially authorized bodies of cultural heritage protection. At the same time, the division of powers and the nature of the interaction between executive bodies specifically authorized in the cultural heritage protection, namely the Ministry, the Service, and the Inspection, remain in doubt. And this issue must be resolved so as not to omit some powers, in particular those referring to administration of use and protection of historical and cultural lands, and so that they can be implemented as effectively as possible.

## References

- Averyanov V.B., *Administrative Law of Ukraine. Academic Course*, vol. 1: *General Part*, Kyiv 2007.
- Averyanov V.B., *Bodies of Executive Power in Ukraine*, Kyiv 1997.
- Averyanov V., Derets, V., Pukhtetska A., *Organization of Executive Power Needs Reform*, "Law of Ukraine: Legal Journal" 2009, no. 1.
- Bevz O.V., *Organizational and Legal Aspects of the Use And Protection of Lands of Historical and Cultural Significance in the Context of the Optimization of Executive Power System in Ukraine*, "Administrative Law and Process" 2015, vol. 1(11).
- Bevz O.V., *The Legal Regime of Lands of Historical and Cultural Use in Ukraine (Historical Areas of Population Centers)*, PhD thesis (12.00.06), Kyiv 2012.
- Donets O.V., *The Legal Regime of Lands of Historical and Cultural Use in Ukraine*, PhD thesis (12.00.06), Kharkiv 2010.
- General Administrative Law*, I.S. Gritsenko (ed.), Kyiv 2015.
- Land Law of Ukraine*, O.O. Pohribny, I.I. Karakash (eds.), Kyiv 2009.
- Land Law of Ukraine. Academic Course*, vol. 1, V.I. Semchik, P.F. Kulinich, M.V. Shulga (eds.), Kyiv 2008.
- Lytvynenko O.M., *Directions of Improvement of Legal and Institutional Mechanisms of Cultural Heritage Protection*, <https://niss.gov.ua/doslidzhennya/socialna-politika/naryami-vdoskonalennya-pravovikh-ta-instituciynikh-mekhanizmiv> [access: 28.11.2020].
- Miroshnychenko A.M., *Land Law of Ukraine*, Kyiv 2011.

**Abstract:** This article aims to determine the system of the state bodies of executive power in terms of their competence in cultural and historical land usage and protection, taking into account the latest changes in Ukrainian legislation. The author emphasizes that the administration of lands designated for historical and cultural use and protection should take place within a framework of executive bodies specifically authorized as regards cultural heritage protection. Special attention is drawn to the powers of such state bodies like the Ministry of Culture and Information Policy of Ukraine, the State Service for the Protection of Cultural Heritage of Ukraine, and the State Inspection for Cultural Heritage of Ukraine. The article includes a historical and contemporary overview of central executive bodies that ensure the formation and implementation of state policy in the sphere of cultural heritage protection. This scientific study focuses on the constant changes that occur in the system of executive power. The results of the investigation show that these changes in Ukraine take place irregularly today and are not conducive to the efficient use and protection of lands of historical and cultural significance.

**Keywords:** lands of historical and cultural significance; protection of cultural heritage; central bodies of executive power

**Abstrakt:** Celem artykułu jest przedstawienie systemu organów wykonawczych pod kątem analizy ich uprawnień w zakresie wykorzystania i ochrony terenów o znaczeniu historyczno-kulturowym, biorąc pod uwagę ostatnie zmiany w ustawodawstwie ukraińskim. Autor podkreśla, że zarządzanie w zakresie wykorzystania i ochrony tych terenów ma się odbywać z udziałem szczególnie uprawnionych organów administracji rządowej w zakresie ochrony dziedzictwa kulturowego. Szczególnie uwaga została zwrócona na uprawnienia takich organów władzy państwowej, jak: Ministerstwo Kultury i Polityki Informacyjnej Ukrainy, Państwowa Służba ds. Ochrony Dziedzictwa Kulturowego Ukrainy oraz Państwowa Inspekcja ds. Ochrony Dziedzictwa Kulturowego Ukrainy. Artykuł zawiera przegląd historycznej i współczesnej działalności organów administracji rządowej, które zapewniają tworzenie i realizację polityki w zakresie ochrony dziedzictwa kulturowego. Autor skupił się na przedstawieniu ciągłych zmian w systemie organów administracji rządowej. Wnioski wskazują, że nieregularne zmiany społeczne na Ukrainie nie sprzyjają efektywnemu wykorzystaniu i ochronie terenów o znaczeniu historyczno-kulturowym.

**Słowa kluczowe:** tereny o znaczeniu historyczno-kulturowym; ochrona dziedzictwa kulturowego; organy administracji rządowej