



норм: історія розвитку українського законодавства (від «Руської правди» до 1918 р.) / Т.Б. Саркісова // Бюлетень Міністерства юстиції України. – 2008. – № 9. – С. 99–105.

5. Маньков А.Г. Уложение 1649 года – кодекс феодального права России / А.Г. Маньков ; отв. ред. К.Н. Сербина. – Л. : Наука, 1980. – 271 с.

6. Епифанов П.П. Соборное уложение 1649 года / П.П. Епифанов, М.Н. Тихомиров. – М. : Изд-во Моск. ун-та, 1961. – 431 с.

7. Памятники русского права. Вып. 6. Соборное уложение царя Алексея Михайловича 1649 года / под ред. К.А. Софроненко. – М. : Государственное изд-во юрид. л-ры., 1957. – 503 с.

8. Гостев А.А. Генезис содержания состава регистрации преступлений в сфере незаконных сделок с землей / А.А. Гостев // Труды Современной гуманитарной академии. Юриспруденция. Философия. Филология. – 2009. – Вып. 1. – С. 5–23.

9. Історія українського права : [посібн.] / [І.А. Безклубий, І.С. Гриценко, О.О. Шевченко та ін.] ; за ред. І.А. Безклубого. – К. : Грамота, 2010. – 336 с.

10. Права по которымъ судится малороссійскій народъ, Высочайшимъ всепресветлейшія Великія Государыни Императрицы Елисаветъ Петровны, Самодержицы Всероссійскія, Ея императорскаго священнейшаго Величества повеленіемъ / под редакцію и съ приложеніемъ изслѣдованія о семь Сводъ и о законахъ действовавшихъ въ Малороссіи профессора А.О. Кистяковскаго. – К. : Въ университетской типографіи (І. І. Завадзкаго), 1879. – 844 с.

11. Законы Межевые / составилъ Ю.Д. Филиповъ. – С.-Петербургъ : Изданіе Юридическаго Книжнаго Магазина Н.К. Мартынова, 1898. – 651 с.

12. Інструкція межевымъ губернскимъ канцеляріямъ и провинціальнымъ канторамъ. Утверждено Указомъ Ея Императорскаго Величества Самодержицы Всероссійской, Правительствующею Сената изъ межевой экспедиціи отъ 19 сентября 1765 г. – С.-Петербургъ : Печатано при Сенате ; М. : Сенатская Типографія, 1766. – 104 с.

13. Собрание малороссійскихъ прав 1807 г. / сост. К.А. Вислобоков и др. – К. : Наукова думка, 1992. – 368 с.

INNOVATIVE METHODS OF TERRITORIAL COMMUNITIES DEVELOPMENT

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Summary

The innovative methods of territorial communities development are represented in the article. The author stated that the innovative methods of territorial communities development included the program-target approach, which was one of the most common among the modern administrative management methods, and was also provided in the regulatory documents of the legislative and executive authorities. In the perspective to solve the problems of territorial communities development, they implement the plans and programs of complex socio-economic development with obligatory participation of local public organizations representatives or just citizens interested in the development of the local community.

Key words: territorial community, program-target approach, programs of socio-economic development, administrative management, public organizations, innovative management methods.

Аннотация

В статье рассматриваются инновационные методы развития территориальных общин. Автор отмечает, что к инновационным методам развития территориальных общин можно отнести программно-целевой подход, который является одним из наиболее распространенных среди современных методов административного менеджмента, а также предусматривается в нормативно-правовых документах органов законодательной и исполнительной власти. В целях решения проблем развития территориальных общин ими принимаются планы и программы комплексного социально-экономического развития при обязательном участии представителей местных общественных организаций или просто граждан, заинтересованных в процессе развития местной общины.

Ключевые слова: территориальная община, программно-целевой подход, программы социально-экономического развития, административный менеджмент, общественные организации, инновационные методы управления.

Formulation of the problem. One of the modern administration characteristics is innovative type of administrative management, when the share of knowledge as a primary resource is constantly increased in the end product. Such type of management becomes effective nowadays. It provides the achievement of maximum economic, managerial and social effect, ensuring the progressive development of the municipality and improving the level and quality of population life in the process of planning, organization, motivation and control quickest possible and with minimum cost. Also, this kind of innovative development should be carried out in the certain legal framework, formed by the legislative authority with the filing or on the initiative of the Cabinet of Ministers of Ukraine. Development of local communities is difficult to perform without innovative approach. Therefore,

the innovative methods of socio-economic activity of the local communities should be worked out for their development.

The relevance of the topic is substantiated by the degree of scientific development of the issue. Nowadays, there are no fundamental studies concerning methods of innovative development, primarily the consolidated territorial communities, where their mechanisms of action and implementation, especially with the participation of the public sector – the elements of civil society would be revealed in detail.

Scientific analysis of the problem in realization of innovative methods of territorial communities development in Ukraine have been carried out by many native scientists, namely S. Arkhiereiev, O. Bobrovska, V. Heiets, V. Huseiev, T. Savostenko, L. Hopkinson, I. Chykarenko and others. It should be also mentioned the fundamental works of V. Guseiev and



O. Orlova in the field of formation and development of the state innovative policy [4]. But innovation realization in the municipal sector requires more detailed research work and implementation of new methods.

So, **the purpose of the article** is to explore innovative methods of territorial communities development and represent approaches for their implementation in municipal management. The novelty of research is in the detailed elaboration of the innovative type characteristics of municipal management from the perspective of its implementation in the current context of administrative-territorial structure modernization in Ukraine.

The presentation of the main research material. Innovative municipal management is characterized by the number of attributes. These attributes are the network organization, program-target method, strategic planning and management, support of investment projects.

The network organization is characterized by the virtuality of functioning and development and indicates the certain level of knowledge realization as the resource for municipalities, in our case, the territorial community. The modern investment policy is based on the idea of the future consumer formation, development of the products and services that will benefit consumers in the future in competitive climate and changing style and lifestyle. Innovative modernization becomes necessary, not only for goods produced for the consumer, technologies of manufacturing and service, but also for the methods of administrative management. It concerns not only improvement of operative and strategic management methods, but also managerial methods pertaining business associations. The network management is one of such innovative managerial forms.

The network form of organization occurred as the result of progressive necessity for coordination of certain types of social practices, increase of volume and value of social information in the context of multiple growing labour specializations at the present stage of productive forces development in globalization and internationalization conditions. The network organization is a special kind of reaction of existing institutions and

their structures on the modern social processes, the way of their adaptation to the challenges.

Modern network organization is distinguished by such features as working activity that is largely beyond the spatial limits of local authorities, municipal institutions and enterprises, as well as the unhindered information exchange between the staff and horizontal coordination of joint activities. All the above substantially provides certain preferences for particular individuals and enables to achieve corporate objectives at the lower cost, including time that is realization of competitive advantages. Considering that not everyone can be subjected to comprehensive control, but only the key positions, such non economic, to our opinion, parameter that is characterized as mutual confidence of the network participants, namely communicative factor is very important. The main unifying point of the enterprises and network organizations is not the collective property or financial flows, but information flows that, unlike the physical ones, have their own and still not well studied properties. It is quite difficult to evaluate financially the core competencies of network members and the network value in the aggregate, unlike the cost of just the majority of enterprises-participants.

The main conditions of network organizations activity include, firstly, increased intellectual and, in this context, economic dependence of the partners, secondly, the inadequacy of social protection mechanisms and support at the termination of long-term contracts and the established regulations of social and labour relations increase the requirements regarding the communicative factor, information network connectivity, thirdly, the increased probability of excessive complexity in relations, as a result of cooperation members difference and the like.

The network organization can be defined as voluntary, temporary, flexible form of independent partners cooperation with core competencies to better meet the needs of consumers in terms of active competition. Such cooperation is impossible without large-scale information interaction of the partners; moreover, the management of network structure is largely the management of information flows within this structure,

because the traditional policy-making methods are ineffective in this case. The information component showed itself even more in networks, whose product is information services, which is especially true for local self-governing authorities, that provide administrative services and their quality requires continuous monitoring.

Thus, network organization, on the one hand, adequately corresponds with the local peculiarities of municipal government. On the other hand, it requires sufficiently high level of administrative management from the local self-governing authorities. The main features of network management in the local community are:

- 1) flexible network organizational structure with the pronounced priority of horizontal relations;
- 2) high professionalism of the network members, significant autonomy of their work and focused specialization;
- 3) implementation of developed communication means of integration.

The innovative methods of territorial communities development as municipalities include the target-oriented approach, which is not only the most common modern method of management, but also is provided by the legal and standard regulations pertaining the local self-government [1]. Legislative and regulatory framework of local self-government of Ukraine provides, that aiming to solve the local issues and ensuring the territorial communities development, all local self-governing authorities accept, organize and control the implementation of plans and programs of complex socio-economic development of territorial communities of villages, settlements, cities, united communities of districts and regions [2; 3, p.178].

Programme is a totality of measures necessary for solving of scientific-technical, social, socio-economic and other problems, or some of their aspects. It can be planned before the pre-arranged decision, and also specifies the particular aspect of the plan. For the implementation of the program-target approach it is necessary to create the programme and organize its effective realization, carrying out constant control, monitoring and also adjustments, if necessary.

The absolute advantages of mentioned approach include, firstly, its orientation on achieving specific objectives, defined



results; secondly, the coordinated fulfillment of numerous, interrelated actions; thirdly, the limited duration in time. To provide the effectiveness of such activity, the interaction and at the same time the clear distribution of roles and responsibilities are required. In this respect, it is important to establish responsibility for decision-making, effective information distribution and flexibility in use of resources.

One of the main solved problems is the establishment of effective interim management system, aimed at functioning with permanent local administration coordinately. This temporary system of administration should ensure the achievement of intended goals, efficiency of each performed measures, as well as the longtermness of the obtained results. The main evaluation criteria of various programs realization variants include timescales and cost of results achievement. Moreover, the planned goals and the quality usually are the main restrictions when considering and assessing different variants. Information used in the management, usually is not fully trustworthy. The uncertainty of the initial information should be taken into account while planning and signing contracts under real conditions.

Any programme in the process of development and implementation includes various stages. Usually, they are: 1) conceptual – goal setting, opportunity analysis, objectivation of implementation and planning of the programme; 2) programme development – determination of the activities structure and appointment of executive managers, scheduling, budgeting, development of design-estimate documentation, negotiation and signing of contracts for activities fulfillment; 3) realization of the programme – activities on providing, organization, training of personnel and financing including quality control; 4) programme completion – commissioning works, testing, trial operation; 5) operational – acceptance and startup of the programme, extension, modernization, innovations. Actually, the stages cannot just follow one another, but also overlap.

The process of programme implementation management has quite complex structure that includes, in particular, the integrated change control: determination, coordination, approval,

and acceptance of corrective actions and changes coordination and also resources management, that is introduction of alterations to the structure and resource allocation. Management of goals and objectives or rather correction of the programme goals and objectives according to the analyses results is often of particular importance. The quality management, namely, development of measures to eliminate the causes of unsatisfactory fulfillment requires special attention in the social sphere [3, p. 179].

There is a number of additional processes, unless the mentioned ones, when the necessity for their use is highly dependent on the particular essence of the programme. Notably, the organization planning, that is identifying, documenting and distribution (introduction) of roles, responsibility and reporting relations in organization; staff appointment – assignment of human resources to perform the project work; cooperation planning – determination of information flows and interactions required for project participants; risk identification – specification and documenting of risk events that may affect the project; risk assessment – evaluation of the probability of risk events occurrence, their characteristics and influence on the project; response development, that is defining necessary measures for risk prevention and response to threatening events; supply planning – determining of subject, that should be delivered, time and ways for its fulfillment; preparation of conditions – development of requirements for supply and identification of potential suppliers.

If the programme is long-term, it must contain: a) feasibility study; b) forecast of the expected socio-economic (ecological) results of project implementation; c) customer name of the required programme; d) information on the amounts distribution and sources of funding for each year; e) other documents and materials required for its approval.

The preparation processes and implementation of programme of integrated socio-economic development of territorial communities have their own peculiarities. In modern conditions of market economy without “constant economic environment”, special attention should be paid to creation of favorable conditions for life of inhabitants and

also economic activities of enterprises, including legal, tax, organizational and many other, that stimulate preservation and development of economic activities in various forms. Programs are expected to be indicative, but not prescriptive, with sufficient flexibility to specify their place in the annual plans, consider the possibility of territorial communities realistic, and contain procedures for realization of effective managerial methods. The backup mechanisms must be inserted to the programs, because they provide the ability based on the analysis of the programme fulfillment to make adjustments in the current planning timely.

The basic idea of integrated planning is in the fact, that all current planning, firstly budget planning, is carried out in accordance with the mid-term and long-term goals of socio-economic development of the territorial community, certain comprehensive mid-term programs. Comprehensive programme of socio-economic development is the basis for prospective and current financial planning [3, p. 180]. However, comprehensive programs include the elements of strategic planning, that demonstrate a long-term vision of territorial communities development. They consolidate concept of goals and development priorities of the local community and laid the basis for mid-term and short-term planning in the future.

The peculiarity of planning in the field of territorial communities development in Ukraine is that it takes place in conditions when the basic institutional transformations at the grassroots territorial level only began to occur and are not legislated perfectly. Complete legislative and institutional environment, i.e. economic mechanisms regulating the land market, municipal property, and housing is not established; the financial-budgetary relations at the system level, i. e. society-united community-district-region are not regulated. Skills and traditions of developmental problems solution within associations of united territorial communities, and just territorial ones are insufficient; there is no technology for involvement of local communities public sector, residents and local businesses.

Working out the programme of integrated socio-economic development of the territorial community as a complex multifaceted process requires, according



to H. Shamarova, also “certain level of executive manager’s training, ability to set objectives, integrated thinking in decision-making”. To develop such programme, in her opinion, “it is advisable to use the following algorithm:

1) preparation of the brief analytical information on the experience of similar programmes developing and implementing;

2) assessment of the resource and socio-economic potential;

3) identification of development problems of the territorial community;

4) development of priorities system for solving the revealed problems;

5) working out the concept and strategic directions of territorial communities development;

6) varieties programme development in accordance with the priorities and strategic directions, defining of concrete goals for the future;

7) development of complex of programme activities to achieve the goals and objectives of the programme;

8) development of investment projects, business plans for selected programme activities;

9) development of programme implementation mechanisms;

10) determination of resource provision of the programme;

11) distribution of functions for programme implementation;

12) predictive assessment of the programme effectiveness” [3, p. 181–186].

The programme creation also involves the establishment of organizational structures with determination of forms of self-governing authorities participation, representatives of non-governmental public organizations, population, enterprises, organizations and other institutions. The working group on the programme, that includes representatives of state authorities, business sector, non-profit, public (public sector) and scientific-research organizations will be created by the executive committee of the territorial communities. Population is involved in the programme, progress of the programme is covered in the media, public hearings must be held and also public initiatives should be taken into account.

The information support is of great importance in this context. The

monitoring of programme realizations is the essential condition for its successful implementation. It is advisable to analyze the programme implementation quarterly or even more frequently and also realization of innovative projects, allocation and use of financial resources aimed at programme realization to make necessary adjustments to the programme implementation process and control over the activities of executive managers. The programme of socio-economic development usually involves steps, that cannot be only observed, but also “can be measured”, that is they can be estimated taking into account reasonable objective parameters. Usually, depending on the programme implementation stages, the following assessment types are used:

1) preliminary evaluation of the programme before its realization to determine its quality, necessity for the territorial community;

2) intermediate evaluation on the implementation stage to adjust the programme for efficiency improvement and successful completion;

3) intermediate evaluation after the programme implementation to identify its effectiveness and efficiency, causes of errors and failures, as well as the adoption of adequate managerial decisions.

It is important to use the assessments for their intended purpose: a) assessment of needs – evaluation of the socio-economic conditions, that determines necessity to implement the program; b) assessment of the development process – quality analysis of the programme (staff and competence of the programme developers, logical circuit, content and resources provision); c) evaluation of the results rating – expert examination of the organizational implementation process, reasons for changing in the planned objectives realization; d) assessment of effectiveness – comparison of the programme results with expended resources used in the course of its implementation; e) effect evaluation – assessment of the programme realization influence on socio-economic development, change the life quality of the residents in community or communities.

To ensure successful implementation of the programme, as a rule, the main efforts are focused on the following five elements: 1) planning and partnership: creating of strategies, identification

of local leaders and coordination of interests; 2) creation of business climate, development of an adequate regulations and procedures of dealing business in the given area; 3) infrastructure development: guarantees of land plots availability, supply of electricity, roads; professional training for business dealing; organization of leisure and the like; 4) support of businesses and private entrepreneurs: creation of favorable business climate for local entrepreneurs activities, which greatly depends on development and dissemination of information system in territorial community; 5) attracting of investors: evaluation of territorial community competitive advantages, development of the powerful information base on local economic resources, attraction of special-purpose investments and encourage the creation of new jobs.

One of the most difficult tasks is the involvement of territorial communities population in development and implementation of the programme, therefore, the detailed and hard work, traditions of which has just begun in Ukrainian society is required. The programme of socio-economic development of the territorial community in accomplished and complete form consists of four parts: firstly, analysis of the socio-economic situation in the community; secondly, generalization of the main problems and opportunities of territorial communities development, as well as, the formation of the main directions of necessary reforms; thirdly, totality of measures developed in accordance with certain directions of reforms, which specificities objectives and defines the actions for their implementation; fourth, the implementation order of included in the programme activities, progress chart, control procedures, assessment of programme implementation progress, backup mechanism that allows to specify the goals and recommendations in the current planning. The proposals for comprehensive programme contain the draft regulations, which would create the legal framework to carry out the programme.

Another characteristic element of innovative approach to the territorial community development is the use of strategic planning and management. To improve the quality of management activities, it is necessary to create the strategy



of territorial communities development along with operational and tactical tasks. Strategic planning and management of areas development in the local community ensures unity of actions undertaken at different governance levels and the mobility degree that should be equal to the change rate in the activity environment of community. To achieve such unity, it is necessary to form the system of notions that have two main characteristics: a) relatively high degree of commonality necessary to contain consistently the questions and views, that are emerging and operating on different levels of governance, existing in the territorial organization of local communities, on the one hand, and the ideas of the conditions and circumstances surrounding its activity, on the other; b) the ability to change these ideas into understanding what specific actions should be implemented at various levels of management.

Strategic plan of territorial communities development is the administrative document, that contains interrelated statement of such issues as: 1) goals of territorial community development; 2) ways of achieving the set goals; 3) the potential possibilities of the territorial community, the implementation of which allows to achieve success; 4) methods of activities management on selected directions; 5) resources that are necessary to achieve goals; 6) ways of resources use [3, p. 183].

Such plan allows the local governments, population and other organizations to work together, anticipating and outrunning major changes in the structure of employment, production technology and environment. It creates new measures that guide and stimulate development of the local community and other objects of local government. Strategic plan is not only the document of local authorities, but all the other subjects of municipal relations. It is the way of strategic partnership, the mechanism to identify and implement effective strategies in all life spheres of territorial communities (villages, towns, cities, united communities). It is the work of ideas formation on the meaning and purpose of territorial organization activities in the local community and transformation of these ideas in reference points, necessary to implement specific management activities for achieving of socially important goals of the territorial community development.

The key starting point of strategic planning is the formation of ideas on the meaning and purpose of local government organization. These ideas are formalized in the key measures of strategic planning, mission and goals. The fundamental ideas of the local community functioning are formed in mission. Goals can be very diverse considering mentioned statements: the increase of population incomes, efficient management of municipal property, development of new markets, image changing of territorial communities and the like.

To begin the strategic planning it is primarily necessary to understand the need for changes (political will), the awareness, that not only the operational and tactical management but also strategic one is of great importance. This understanding is often the result of the analysis of admitted mistakes in the choice of development directions or organization of management, as the consequence of short-term projects implementation. Therefore, understanding of strategic management content is formed in such a way. Thus, the strategic management is often defined as development of concepts or scenarios, identification of the main problems and ways of their solution, sometimes a clear action plan. Understanding generates the set of strategic management subjects and methods of interaction organization between them.

Principles of strategic activities are formed after achieving of certain understanding and also development priorities are defined, that, as a rule, should be associated with the improvement of life quality of the community residents. Considering that the quality of life is relative and comparative characteristic, the analysis of problems and state of territorial community is carried out following comparison of its basic characteristics with other. Direction for consolidation of strong points and transformation of weak ones into strong is formed in this study. Problems in the local issues implementation, which are the most supported by the population are noteworthy. For this purpose, various surveys, sociological researches are widely used. It is necessary to form the orientation on long-term tasks pertaining the recognition, that changes will take place slowly and gradually.

But certain activities of the strategic programme should be planned in such

a way, that the residents observe the programme results constantly, the small positive changes in each time period. The progress of such changes in the social environment should be taken into account. Simultaneously, it is necessary to determine forces and factors resisting strategic changes, because any plan is faced the problems. Strategic plan is not an exception, especially, when it affects economic interests, can influence over the profit and revenue. Policy development in relation to the possible use of additional consultants is stipulated by the fact, that there is always dilemma between the additional consultations, obtaining of external help and relying on own resources. Usually, the best possible is orientation on the combination of internal and external intellectual resources. The choice of external consultants should include the evaluation of proposed services type, whether they provide the modern methods of management and training of territorial community local staff.

Lastly, the certain changes in the management system are carried out. In some cases it can be associated with changes in the territorial organization of local self-government, as in the case of united territorial communities. The permanent working committee as governing body of development process and strategic plan management is usually created. The administrative levers can also be used, confirming responsibility for the implementation of certain activities on definite units and community managers. Thus, the working out of strategic municipal development plan consists of the following stages: 1) analysis of resources and development conditions; 2) forecast management; 3) concept formation of the territorial community or other self-government development; 4) discussion of the concept; 5) development of target programs in strategic directions; 6) consolidation of target programs into the strategic plan with assessment of costs, needs in attracting finance and effect of implementation; 7) developing of the progress charts for the strategic plan realization and naming executive managers; 8) discussion and approval of the strategic plan with the extensive involvement of civil society and especially residents of territorial communities.

Conclusions. Summarizing the innovative methods consideration of



territorial communities development, special attention should be paid to necessity of the active investment policy realization. Municipal support of priority investment projects is carried out on the territory of the community, associations of municipalities, allows solving certain important tasks: to strengthen investment activity in the area of the territorial community, create favorable conditions for assurance of investors' rights, interests and property protection, increase of taxation base and also creation of new sources of taxpayers.

The main task of local authorities is to create the most favorable investment climate, i. e. the set of conditions that determine the degree of municipal economy attractiveness for investors and creation of favorable conditions for its development. This requires the clear strategy of cooperation with investors, based on transparent principles and mutually beneficial cooperation, which, in this case, must ensure equal access for all interested persons to the investment resources of local communities. In this respect, certain protectionist measures in relation to most important (priority) projects for the local communities that are unique for their socio-economic development are allowed.

References:

1. Про інноваційну діяльність : Закон України від 4 липня 2002 р. № 40-IV (редакція від 5 грудня 2012 р.), підстава 5460-17 // Відомості Верховної Ради України. – 2002. – № 36. – Ст. 266.
2. Про місцеве самоврядування : Закон України від 21 травня 1997 р. № 280/97 [Electronic resource]. – Access mode : <http://zakon5.rada.gov.ua/laws/show/280/97-vr>.
3. Шамарова Г. Инновационные методы развития муниципального образования / Г. Шамарова // Государственное управление в XXI веке: традиции и инновации : мат. 7-й межд. конф. фак. гос. управления МГУ им. М. Ломоносова (27–29 мая 2009 г.) : в 2 ч. – Ч. 2 / отв. ред. И. Мысляева. – М., 2009. – С. 179–186.
4. Шинкаренко І. Формування системи управління інноваційним розвитком територіальних громад : [монографія] / І. Шинкаренко. – 2014. – 338 с.

РЕГУЛИРОВАНИЕ ПРОЛОНГАЦИИ ДОГОВОРА АРЕНДЫ НЕДВИЖИМОГО ИМУЩЕСТВА

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Summary

The questions of the legal adjusting of prolongation of contract of tenancy of the real estate are investigated in the article. Correlation of prolongation and prerogative right of leaseholder opens up on the conclusion of treaty on a new term. The ways of improvement of legislation of Ukraine are offered about a lease taking into account the tendencies of judicial practice.

Key words: tenant, prolongation, contradictions, leases, real estate for rent, preemptive right, judicial practice.

Аннотация

В статье исследуются вопросы правового регулирования пролонгации договора аренды недвижимого имущества. Анализируется соотношение пролонгации и преимущественного права арендатора на заключение договора аренды на новый срок. Предлагаются пути усовершенствования законодательства Украины об аренде с учетом тенденций судебной практики.

Ключевые слова: арендатор, пролонгация, противоречия, арендные отношения, преимущественное право, судебная практика.

Постановка проблемы. Как известно, аренда является довольно привлекательным и выгодным для собственника видом хозяйственной деятельности, которая приносит гарантированную прибыль, чем объясняется распространенность института аренды в хозяйственном обороте. Однако современное законодательство Украины об аренде достаточно противоречиво, что иногда порождает нарушение прав сторон договора аренды коммерческой недвижимости и впоследствии возникновение между ними хозяйственных споров.

Актуальность темы исследования подтверждается недостаточной её раскрытостью, необходимостью разграничения пролонгации и преимущественного права заключения договора на новый срок, противоречивостью гражданского и хозяйственного законодательства Украины в части правового регулирования пролонгации арендных отношений, отсутствием единства судебной практики.

Научно-теоретический анализ проблем пролонгации аренды нежилой недвижимости проводился отечественными учёными, среди которых следует выделить таких, как В.П. Барбара, О.М. Винник, В.И. Крат, Ю.М. Степаненко. Их работы послужили базой для дальнейшего изучения этих вопросов.

Итак, **целью статьи** является выявление особенностей осуществления пролонгации договора аренды недвижимого имущества, исследование соотношения норм гражданского и хозяйственного законодательства об аренде, регулирующих эту процедуру, поиск путей их одинакового применения хозяйственными судами при разрешении споров, формирование на базе судебной практики предложений по усовершенствованию законодательства Украины об аренде.

Методологическую основу исследования составляют такие специально-правовые методы, как сравнительно-правовой, системно-структурный, статистический, анализа и синтеза. В частности, сравнительно-правовой, системно-структурный и статистический методы позволяют раскрыть особенности процедуры пролонгации арендных правоотношений, разграничить её с преимущественным правом арендатора на заключение договора аренды на новый срок, выявить причины неординарного применения хозяйственными судами законодательства об аренде.

Эмпирическую основу исследования составляет законодательство об аренде, практика Высшего хозяйственного суда Украины и Верховного Суда Украины.