

CASE STUDY

Ukraine: Preventing Unlawful Re-Registration of Land and Property

OVERVIEW

Submitting Organization	Ministry of Economy, Environment and Agriculture of Ukraine https://mepr.gov.ua https://me.gov.ua
Type of Grievance Mechanism	State-Based Judicial
Level of Operation	National
Geographic Scope	Ukraine

SYNOPSIS

*This case study presents a **state-based grievance and accountability mechanism** established in Ukraine to address land and property rights disputes linked to administrative registration processes. The mechanism was introduced following the 2014 decentralization reform and the transition to electronic registration systems, which were accompanied by a rise in fraudulent re-registrations of agricultural land and real-estate rights. It was designed to provide a fast, low-cost administrative alternative to lengthy court proceedings. Operating at the national level and grounded in a clear legal framework, the mechanism enables affected individuals and legal entities to challenge unlawful registry entries, restore legitimate rights, and, where appropriate, trigger sanctions against registrars. In addition to resolving individual cases, the publication of decisions and the incorporation of operational lessons into legislative amendments contribute to greater transparency and the prevention of future land-related grievances.¹*

BACKGROUND

The grievance and accountability mechanism emerged in response to structural changes in Ukraine's land and property governance framework following the 2014 decentralization reform and the liberalization of property-rights registration. Together with the transition to electronic registration systems, these reforms were accompanied by a significant increase in cases commonly referred to as *land raiding*, which typically involved the fraudulent re-registration of agricultural land and real-estate rights in the electronic State Register.

The land tenure challenges underlying this development included insecure conversion of land titles from paper-based to digital formats, overlapping and insufficiently harmonized cadastral and rights registration systems, and limited judicial capacity, particularly outside major urban centers. These

¹ Regulations on the Board for Reviewing Complaints Against Decisions, Actions or Inaction of the State Registrar, Subjects of State Registration, and Territorial Bodies of the Ministry of Justice (original text in Ukrainian). <https://zakon.rada.gov.ua/laws/show/z0024-20#n40>.

institutional weaknesses were further exacerbated by pronounced power asymmetries between smallholders and well-connected actors able to exploit procedural gaps in registration processes.

The scale and urgency of these cases underscored the need for a fast, low-cost, and accessible administrative remedy capable of providing an alternative to lengthy court proceedings. In response, the Ministry of Justice established a specialized complaints body in early 2016.

MECHANISM

The set-up of the mechanism involved multiple institutions and stakeholders. The Cabinet of Ministers of Ukraine approved the governing Procedure No. 1128, which regulates complaint review, while the Ministry of Justice assumed the lead role in implementation and oversight. Additional contributions came from Parliament's Anti-Raider working group, business associations such as the Ukrainian Club of Agrarian Business (UCAB) and the European Business Association, and donor-funded technical support provided through the USAID AGRO project.

Stakeholder consultation formed part of the design phase. Farmers' unions, the notary chamber, land-focused NGOs, and regional civil society hubs were consulted in late 2015. Their feedback directly influenced key procedural features, including the establishment of a 30-day time limit for complaint handling and the decision to allow submissions free of charge. These design choices aimed to lower barriers to access and improve responsiveness.

The mechanism is supported by a comprehensive legal and institutional framework. Its operation is grounded in the Law "On State Registration of Property Rights..." (2004, as amended), complemented by Anti-Raider Laws № 1666-IX (2021) and № 2370-IX (2023). Procedural aspects are governed by Governmental Procedure No. 1128 (2015), while organizational rules are detailed in Ministry of Justice Order No. 71/5 (2020), subsequently amended in 2021 and 2024. Together, these instruments provide a clear legal basis for administrative review of registration-related land grievances.

The mechanism was formally established on 12 January 2016 in Kyiv, Ukraine. Since its inception, it has undergone several revisions to adapt to evolving needs and operational contexts. Notable changes include the launch of an online submission portal in 2019, the integration of electronic case-management systems in October 2023, and the introduction of urgent suspension orders that can be issued within five days. Regulatory amendments in 2021 clarified the division of competence between central and regional collegia, while further normative updates were adopted in 2024. Decisions to modify the mechanism were taken through ministerial orders, following public consultations and impact assessments published on the national regulatory portal.

In terms of accessibility, the mechanism is open to any individual or legal entity whose registration rights are affected. Complaints may be submitted online, by post, or in person, and no fee is charged. Submissions must be made in Ukrainian. To support rural complainants, regional Justice Centres provide assistance, addressing geographic and capacity-related barriers.

PROCESS

The grievance process is governed by Cabinet Procedure No. 1128 and follows a structured, multi-step administrative workflow.

Complaints are registered upon receipt and undergo preliminary subject-matter checks. To ensure transparency and participation, the Ministry of Justice or the relevant territorial body publishes information on the date, time, and location of Collegium sessions and notifies interested parties. During periods of martial law, official guidance provides for a 15-day notice period prior to sessions.

The core deliberative format is a formal session of the Collegium. A quorum requires at least five members, including a co-chair and a secretary or their acting counterparts. Oral explanations provided during sessions are audio- or video-recorded by the Ministry of Justice or territorial body, and these recordings are retained for one year, contributing to procedural accountability. The order of consideration during sessions is clearly defined. Proceedings typically begin with a report by a Ministry of Justice official, followed by oral explanations from the complainant, the registrar concerned, and any invited persons or NGO representatives. This is followed by discussion among Collegium members, the tabling of a draft decision, and a vote. The chair has discretion to limit speaking time—for example, five minutes for the rapporteur and three minutes for invited persons—unless otherwise determined.

The mechanism operates through collegial governance structures. Collegia are composed of co-chairs, secretaries, and other members, with co-chairs and secretaries required to be officials of the Ministry of Justice or its territorial bodies. Other members may include representatives of other state bodies, civil society, or other qualified persons. Members have defined rights and duties, including access to case materials and registry data, the ability to propose amendments, and the option to submit written dissenting opinions within three working days. Obligations include attendance, confidentiality, declaration of self-recusal where appropriate, participation in decision-making, and signing the final conclusion.

Decisions are adopted by a majority of members present, with the chair holding a casting vote in the event of a tie. The final conclusion documents session details, participants, complaint specifics, recommendations to grant or deny the complaint, concise and expanded reasoning, and voting results (“for/against/abstained”). All participating members sign the conclusion, with reasons noted if a signature cannot be provided. For transparency, regional Ministry of Justice websites publish archives of Conclusions and decisions from Collegium sessions.

Support during the process is primarily organizational and technical rather than financial. The Ministry of Justice or the relevant territorial body provides logistical support, including preparation of materials, information provision, session arrangements, and drafting of conclusions. Additional support mechanisms include free complaint templates, a telephone hotline, and access to pro bono legal consultations through regional Legal Aid Bureaus. Parties themselves bear the costs associated with gathering evidence.

Where outcomes are not satisfactory to complainants, additional avenues remain available. Parties may appeal Collegia decisions to administrative courts at first instance or pursue civil litigation to seek damages. This preserves access to judicial remedies alongside administrative review.

In terms of timeliness, complaints are typically processed within 5 to 30 calendar days from acceptance to decision. In more complex cases processing times may extend to up to 45 days.

OUTCOME

The grievance mechanism produces a range of administrative remedies. Typical outcomes include the cancellation of illegal registrations, restoration of the previous owner's rights in the State Register, temporary suspension or freezing of a registrar's credentials, and referral of cases to law-enforcement authorities where fraud is suspected. These remedies are designed to directly address unlawful administrative actions affecting land and property rights.

The mechanism also plays a preventive role. Public availability of decisions and the possibility of sanctions against registrars are intended to deter future violations. Lessons learned through the operation of the mechanism have informed legislative amendments adopted between 2021 and 2023, indicating feedback loops between practice and policy reform.

LESSONS LEARNED

Several enabling conditions support the functioning of the mechanism. These include a strong and explicit legal mandate, the political prioritization of anti-raiding efforts, an open-data policy that ensures publication of all decisions, sustained media attention, and donor-funded investments in information-technology infrastructure.

At the same time, the mechanism faces identifiable challenges. These include a heavy caseload relative to available staff resources, a digital divide affecting remote rural areas, occasional non-compliance by local registrars, and perceptions of ministerial bias in high-profile corporate disputes. These factors can influence both operational efficiency and public confidence.

Potential areas for improvement include expanding outreach in rural areas through mobile legal clinics, translating key materials into minority languages, integrating cadastral overlays to better detect duplicate titles, and formalizing a mediation option prior to full hearings. Such enhancements aim to strengthen accessibility, inclusiveness, and system integration.