

ppi 201502ZU4645

Esta publicación científica en formato digital es continuidad de la revista impresa
ISSN-Versión Impresa 0798-1406 / ISSN-Versión on line 2542-3185 Depósito legal pp
197402ZU34



CUESTIONES POLÍTICAS

Instituto de Estudios Políticos y Derecho Público "Dr. Humberto J. La Roche"
de la Facultad de Ciencias Jurídicas y Políticas de la Universidad del Zulia
Maracaibo, Venezuela



Vol.41

Nº 78

Julio

Septiembre

2023

Legal Aspects of Ensuring Food Security in Modern Conditions of Development

DOI: <https://doi.org/10.46398/cuestpol.4178.01>

Andrii Kulaiets *
Mariia Kulayets **
Lidiia Shynkaruk ***
Daria Kendus ****
Mykyta Gerashchenko *****

Abstract

Using the method of dialectical philosophy and its historical materialism, the main objective of the study was to analyze the modern legal aspects of ensuring food security in modern conditions of development. In this context, the subject of study is the food security system in general, under the hypothesis that states: the fundamental basis for ensuring national food security of the state in the modern world is the effective and sustainable development of its agricultural sector. Based on the results of the study, the key features of the legal support of food security in modern conditions of development were identified. In the conclusions of the case, it has been established that public policies and their relational framework should try at every moment to ensure food security, as an integral part of the agrarian law system, so that, form the dualistic legal nature of its understanding: as an agrarian legal institution and fundamental principle of the agrarian law branch.

Keywords: legal regulation; food sovereignty policies; legal aspects; food security; modern conditions for development.

* National University of Life and Environmental science of Ukraine, Kyiv, Ukraine. ORCID ID: <http://orcid.org/0000-0001-7864-1658>

** National University of Life and Environmental science of Ukraine, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0003-4077-7861>

*** National University of Life and Environmental science of Ukraine, Kyiv, Ukraine. ORCID ID: <http://orcid.org/0000-0002-7434-1495>

**** National University of Life and Environmental science of Ukraine, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0002-3320-2640>

***** National University of Life and Environmental science of Ukraine, Kyiv, Ukraine. ORCID ID: <https://orcid.org/0000-0001-7617-4144>

Aspectos legales para garantizar la seguridad alimentaria en las condiciones modernas de desarrollo

Resumen

Mediante el método de la filosofía dialéctica y su materialismo histórico, el objetivo principal del estudio fue analizar los aspectos legales modernos para garantizar la seguridad alimentaria en las condiciones modernas de desarrollo. En este contexto, el tema de estudio es el sistema de seguridad alimentaria en general, bajo la hipótesis que afirma: la base fundamental para garantizar la seguridad alimentaria nacional del Estado en el mundo moderno es el desarrollo eficaz y sostenible de su sector agrícola. Con arreglo en los resultados del estudio, se identificaron las características clave del soporte legal de la seguridad alimentaria en las condiciones modernas de desarrollo. En las conclusiones del caso, se ha establecido que las políticas públicas y su entramado relacional deben tratar en cada momento de garantizar la seguridad alimentaria, como parte integral del sistema de derecho agrario, de modo que, forman la naturaleza jurídica dualista de su comprensión: como institución jurídica agraria y principio fundamental de la rama del derecho agrario.

Palabras clave: regulación legal; políticas de soberanía alimentaria; aspectos legales; seguridad alimentaria; condiciones modernas para el desarrollo.

Introduction

The legal support of the food independence of each state is and will always be an extremely relevant topic, given the constant need for the state to properly provide the initial needs of the electorate for food as one of the basic factors in creating a prosperous social environment and a guarantee of sustainable development of the individual, the nation and the country as a whole. Ukraine is no exception from this list, the financial and economic capabilities of which in this area are significantly weakened by the need to resist external aggression, as well as the stagnant situation of incomplete land and agrarian reform.

The most effective factor in this socio-economic process is undoubtedly the legal one, which gives the chosen direction of research not only logical perfection, but also the appropriate level of relevance and urgency in general.

The legal nature of any social phenomenon is revealed primarily through its role and place in the system of social relations that form the subject of the relevant area of law. As for the agrarian relations of ensuring food security,

the latest research at the level of a doctoral dissertation is proposed to be considered as a sub-branch of agrarian law.

In general, it should be noted that this position is not without a number of methodological shortcomings. Firstly, any sub-sector must contain the relevant legal institutions, which the author of the idea does not name for some reason. Secondly, relations for the production of agricultural products, their processing and sale are the subject of legal sense to one degree or another of almost all institutions of agrarian law, which expands the boundaries of the proposed sub-sector to the boundaries of the directly branch of agrarian law, and such a substitution is devoid of rationality. Thirdly, the existing normative array of food security law is characterized by a relatively small volume, low efficiency, as well as fragmentation, dispersion of legal norms among various hierarchical legal acts of various branches, which has already been noted in the scientific literature.

Ensuring food security is a strategic problem that any government of a country may face in conducting its domestic and foreign policy. We are not talking about any stability in the country if the state is not able to provide its citizens with a sufficient and complete level of consumption of basic foodstuffs and cannot pursue an independent foreign policy if the food market inside the country depends on import intervention.

Highlighting national food security as the general goal of agrarian policy, scientists involved in food security propose to focus on its following aspects: food, agriculture, foreign economic, agro-industrial, and social. The food aspect is the starting point in the analysis of priorities, since it serves as a quantitative expression of the main goal of agricultural policy - food security. It determines the level of provision of the country with food, including its own production, the volume of necessary reserves of food and agricultural raw materials, as well as the physiological and solvent limits of demand for food in the domestic market, is characterized by indicators of the existing.

The main purpose of the study is to analyze the modern legal aspects of ensuring food security in modern conditions of development.

1. Materials and methods

The methodological basis of this work was philosophical (dialectical), general scientific (logical, analysis and synthesis) and special scientific (formal legal, comparative legal) methods, combined into one system. The dialectical (materialistic) method made it possible to consider the legal support of the food security of the state as a continuous process of interconnection of its socio-economic basis and legal mediation, which

are in unity and constant opposition, which stimulates their mutual development.

The general scientific logical method has become fundamental in identifying causal relationships between economic indicators of food security and the need to correct the corresponding legal framework. The analysis method was used to study the problems of ensuring food security due to their decomposition into components, followed by a detailed study of them to understand the general state.

2. Literature review

In general, in terms of its significance in the process of legal influence on agrarian relations, it is advisable to consider food security as one of the fundamental principles of agrarian law, that is, a kind of principle-institution.

Based on the general nature of agrarian legal principles as the main principles on which the mechanism of legal regulation of agrarian relations is based, it can be concluded that the principle of ensuring the legal security of the state runs like a red thread through the entire system of agrarian law, that is, it is a kind of core-goal, on where all agricultural and legal universities are based (Artemenko *et al.*, 2022; Bihych *et al.*, 2022; Gibbons *et al.*, 1994).

Food security of the state is an interdisciplinary socio-economic phenomenon that characterizes the ability of the state to provide the population with balanced nutrition with high-quality and safe products in conditions of proper physical and economic access to them on the basis of external food independence of the state.

The underconsumption of most staples can be attributed solely to the economic inaccessibility of food. For the consumption of meat, fish and eggs, the consumer basket is formed on the basis of physiological (that is, minimum) norms, and for dairy products even this norm is reduced by 2.5 times.

Thus, for the type of nutrition of Ukrainians in the future, it will not be a development diet, as in the advanced countries of the world, which ensures the consumption of environmentally friendly food products that increase the life expectancy of the population as a whole and the average life expectancy for the country, improving health, but a survival diet (Grivins *et al.*, 2021; Kalashnyk and Krasivsky, 2020; Kryshchanovych *et al.*, 2022).

The legal nature of food security law is dualistic. On the one hand, the right to food security is a set of agrarian and legal norms aimed at regulating

the relations of ensuring the food security of the state. In this form, it is a legal institution of agrarian law. On the other hand, it is a principle that runs like a red thread through the entire system of agrarian law, that is, a kind of core-goal on which all agrarian legal institutions are based.

Thus, this is a fundamental, fundamental principle-goal that has a synergistic effect on the organization of the entire organic complex of agrarian relations as a subject of agrarian law. The above positions are integrated in one legal construction “principle-institution”, that is, the principle enshrined in a whole system of norms of the current agrarian legislation (Kryshtanovych *et al.*, 2021; Levcheniuk *et al.*, 2022; Margaryan, 2021).

The issues of legal regulation of the protection and reproduction of soil fertility are among the most important in the structure of the legal mechanism for ensuring the food security of the state.

While paying tribute to the scientific contribution of many scientists, the analysis of the legal aspects of ensuring food security remains relevant.

3. Research Results and Discussions

Solving the problem of food security as a guarantee of the existence and development of any state has always been and remains one of the most important tasks of mankind, the nation and the individual. This problem is complex and multifaceted. It affects all aspects of society. Food security is inextricably linked with the existing political and economic systems, as well as with the peculiarities of management and national traditions (Nersessian, 2018; Nerubasska, 2020).

Ensuring food security is one of the leading functions of the state. Law plays an important role in the implementation of this function. The legal regulation of ensuring the food security of the state in today's conditions is, first of all, inextricably linked with the production of sufficient both in terms of volume and safe in quality agricultural products and foodstuffs.

The issues of ensuring food security and its regulatory support are of priority importance, since at present the state is not fully capable of ensuring unimpeded access of the population to food. The need to improve the legal regulation of food security is also caused by the recent spread of agricultural products and food products produced using genetically modified organisms (Severini and Tantari, 2013).

The main source of agricultural products and food products is modern agricultural production, the functioning of which is inextricably linked with the efficient use of national land resources, in particular agricultural land as

the main means of production and the operational basis for ensuring food security.

Agricultural lands should act as a guarantee of sufficient and affordable food supply for the country, serve as a mechanism for solving the food problem and eliminating food shortages in modern conditions. Efficient use of these lands should provide not only domestic food needs, but also achieve leadership in the production of agricultural products in the world food markets.

The problem of ensuring food security today has acquired a global scale. Increasing food production, as well as improving their quality and safety, is one of the most important tasks of the world economy.

The problem of food security occupies a leading place in the national security of each country, since it is a prerequisite and a factor in the social and economic stability of the state. Thanks to it, sustainable socio-economic development of society, its demographic reproduction is achieved. Food security is a concept officially accepted in international practice used to characterize the state of the food market of a country or a group of countries, as well as the world market. It is a necessary component of economic security, which, in turn, ensures the national security of the state (Shevchenko *et al.*, 2021; Sylkin, 2021).

At the same time, food security has national characteristics, it is characterized by complexity and permanence. Depending on the characteristics of the national food system, the period of its development, the level reached, the priorities set, its provision is modified along with changes in internal and external threats.

Some states achieve a state of food security through self-sufficiency, that is, their own production of the necessary volumes of food, others are forced to import a significant part of food products, which not only requires appropriate funds, but leads to an increase in their economic and political dependence on the supplying states.

After all, food is not just a product of prime necessity, but also the most important strategic commodity. Whoever owns it is in charge both in the economy and in politics. According to the world criteria for food security of the country, the maximum level of food and food imports should not exceed 30%. Otherwise, this will mean the loss of food independence of the state. Food independence is usually measured by the share of the cost of domestically produced food products in the total cost of food consumption.

Food independence is characterized by such a level of economic development when the food security of the state does not depend on external food supplies. At the same time, the state must ensure independence from food imports, despite the specific natural conditions and the efficiency of the division of labor within the framework of agricultural production.

In our opinion, food security should be understood as a component of the national security of the state, which provides for the protection of the vital interests of a person, which is expressed in guaranteeing by the state, on the principles of self-sufficiency, unimpeded physical and economic access of a person to food in quantity, assortment, an established level of quality and safety, necessary to maintain his health and normal life activities.

Food security indicators are a quantitative and qualitative characteristic of the state, dynamics and prospects of the physical and economic accessibility of food products for all social and demographic groups of the population, the level and structure of their consumption, the quality and safety of food, the stability and degree of independence of the domestic food market, the level of development of the agricultural sector and related sectors of the economy, as well as the efficiency of the use of natural resource potential.

The main legal threats to the food security system in the world are shown in Figure 1.

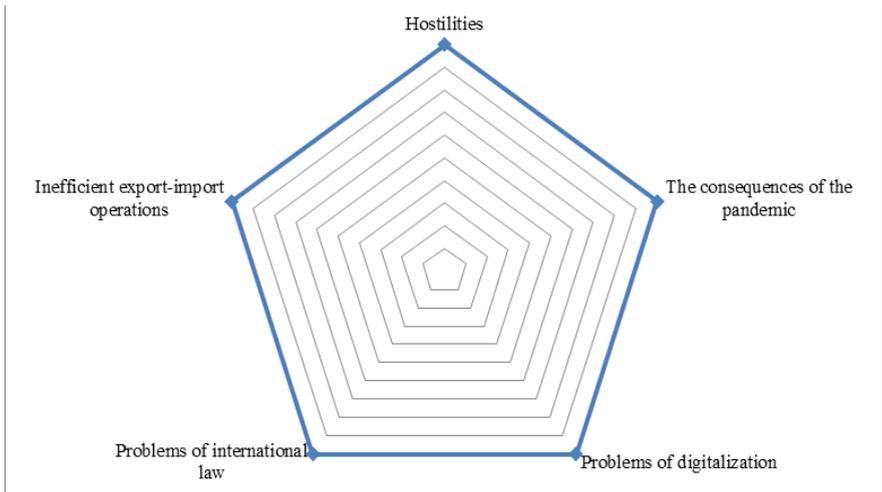


Figure 1. The main legal threats to the food security system in the world.
Source: formed by authors.

Ensuring food security requires a system of organizational and legal measures, which should be understood as a set of economic, legal, organizational and managerial actions carried out by the competent state authorities and local self-government through the use of law-making, law

enforcement and law enforcement forms of state regulation in order to guarantee physical and economic access by the state of the population to food products in the quantity, assortment, established level of quality and safety necessary to maintain health and normal life activities.

Today, one of the defining, guiding principles of agrarian law is the principle of greening agricultural production. It is not only theoretical but also practical. It is assumed that the greening of agricultural production can be defined as a special principle of agricultural law, which is manifested in the establishment in agricultural legislation and the practical implementation of environmental standards, requirements and regulations both by authorized state bodies, local governments, and by the agricultural producers themselves in the field of agricultural management. . production activities for the protection of the environment, the ecological use of natural resources, as well as the production of high-quality and environmentally safe agricultural products of plant and animal origin.

In the system of legal relations to ensure food security, the legislation regulating them should also provide for other measures to protect the domestic producer. As already noted, legal relations to ensure food security are complex by their legal nature, therefore this problem must be solved in a comprehensive manner, based on increased state intervention in the problems associated with the formation of legal relations for logistics, subsidies, subsidies, in the process formation of prices for basic types of food, in a reasonable ratio of them with the purchasing power of the population.

To improve the legal regulation of legal relations in the field of ensuring the country's food security, a comprehensive integration approach is needed, taking into account the characteristics of production processes, working conditions, etc. Production processes in agriculture depend on natural factors with a pronounced seasonal and cyclical nature. Agriculture is a specific branch of public production in comparison with industry and the service sector.

It is associated with the use of land and other natural resources, which affects the characteristics of agriculture, the formation of financial resources, and the development of innovation processes. Land is the main means of production, it is not depreciated, and therefore does not participate in the formation of the cost of production. Along with this, its different level of natural fertility and location contributes to the formation of a differentiated profit.

The content of agricultural legal relations to ensure food security is the subjective rights and obligations of their subjects. Considering this legal relationship as a unity of material content and legal form, the following connections can be distinguished: 1) the connection of rights and obligations

by a model fixed by the legal norm, which should determine real behavior; 2) the real connection of the participants in legal relations, which must correspond to the model of behavior enshrined in the relevant norm; 3) the relationship between real behavior and a model that finds its expression in the exercise of rights and the performance of duties.

A common feature of a legislator and a scientist is inertia in solving problems, in particular, in the issue of regulating food security. If for the world community sustainable development, the food crisis, the legal support of food issues are defining and priority, then Ukraine disassociates itself from globalization processes and purely declarative concerns the legal regulation of food security. Thus, the declarative nature of legal regulation is reflected in the fact that the Ukrainian pantheon of legislation has a vague, incomprehensible and fragmentary mechanism for guaranteeing and implementing fundamental human rights and the foundations of national security, both for determining food security and for ensuring it.

A concrete confirmation of the problem of food security is the absence at the legislative level of a complete and consistent with international practice of its concept, since what we define at the level of law is ultimately reflected in the state of affairs. If the definition itself is imperfect and does not comply with international acts, then the state is not able to fully implement food security.

Conclusions

There is a real threat to the national security of the country, which manifests itself in all areas - in defense, in production and technological, economic, social, environmental, spiritual and moral areas. The conditionality of such a state is determined by the priority value of the food sector itself, which directly affects the urgent interests of people, regardless of their age status, nationality.

In the field of food security, the key problems of carrying out agro-industrial and economic reform, real trends in the development of agricultural and food production, the domestic market, and the degree of its dependence on the world food market intersect. Secondly, if the state focuses on the world market, prefers to work with an imported supplier, and not with a prospective domestic producer, this undermines the stability of the domestic food market and leads to destabilization of the economy, unemployment of the rural population, social tension, etc.

The main directions of ensuring the food security should be the harmonization of national standards of agricultural products with the standards of the most developed countries of the world; providing priority

support to needy segments of the population who, due to low incomes, are not able to provide healthy food for their families, as well as pregnant women, infants, preschool and school children; healthy nutrition in social institutions; development of interregional integration in the field of food risks and food security for the purpose of easy access to food products.

Creation of conditions for increasing the number of objects of trade infrastructure and public catering of various types; monitoring compliance with the requirements of the legislation of the countries of Eastern Europe at all stages of the process of production, storage, transportation, processing and sale of food products; introduction of a ban on the distribution of food products derived from genetically modified microorganisms (GMOs) and genetically modified analogues (GMAs); organization of production with the attraction of foreign investment in agriculture; implementation of the effective operation of the system of sanitary, veterinary and phytosanitary control, taking into account international rules and standards; improvement of state trade policy, regulation of markets for agricultural and fish products, raw materials and food; accelerating the development of the domestic market infrastructure; monitoring, forecasting and control of the state of food security. This will be the focus of further research.

Bibliographic References

- ARTEMENKO, Olena; KOVALOVA, Svitlana; HBUR, Larysa; KOLOMIETS, Yuliia; OBRYVKINA, Olena; AMELINA, Alina. 2022. "Credit Agreement in Agriculture: Economic and Legal Analysis" In: *Postmodern Openings*. Vol. 13, No. 1, pp. 87-102.
- BIHYCH, Olga; OKOPNA, Yylia; SHCHERBYNA, Maryna; ZUIENKO, Nataliia; CHERNYSH, Veronica; KUKSA, Bred. 2022. "Development of Professionally Oriented Intercultural Competence of Future Tourism Experts in the Conditions of Post-Industrial Postmodern Society" In: *Postmodern Openings*. Vol. 13, No. 4, pp. 389-401.
- GIBBONS, Martun; TROW, Maryna; SCOTT, Pit; SCHWARTZMAN, Silvester. 1994. *The New Production of Knowledge: The Dynamics of Science and Research in Contemporary Societies*. Sage Publications. London, UK.
- GRIVINS, M; THORSØE, M. H; MAYE, D. 2021. "Financial subjectivities in the agricultural sector: A comparative analysis of relations between farmers and banks in Latvia, Denmark and the UK" In: *Journal of Rural Studies*. Vol. 86, pp. 117-126.
- KALASHNYK, Natali; KRASIVSKYY, Oleh. 2020. "Interaction in Society - New Approaches to State and International Administration in the

- Post-COVID-19 Period” In: Postmodern Openings. Available online. In: <https://doi.org/10.18662/po/11.1sup2/139/>. Consultation date: 23/01/2023.
- KRYSHTANOVYCH, Myroslav; KRYSHTANOVYCH, Svitlana; CHUBINSKA, Nataliia; KHROMOVA, Yuliia; SYLKIN, Oleksandr. 2022. “The System of Public Administration in Educational Institutions in Rural Regions in the Context of the Development of Educational Culture” In: Revista Brasileira De Educação Do Campo. Available online. In: <https://doi.org/10.20873/uft.rbec.e14140>. Consultation date: 23/12/2022.
- KRYSHTANOVYCH, Myroslav; ROMANOVA, Anna; KOVAL, Ivan; LESKO, Natallia; LUKASHEVSKA, Ulyna. 2021. “Research of problems and prospects of state development in the pedagogical process” In: Revista Tempos E Espaços Em Educação. Available online. In: <https://doi.org/10.20952/revtee.v14i33.16534> Consultation date: 23/01/2022.
- LEVCHENIUK, Yel; VLASENKO, Folin; TOVMASH, David; KOTLIAROVA, Ted; RYKHLITSKA, Olga; NAPADYSTA, Victor. 2022. “Gastronomic Identity in the Context of Mcdonaldization vs Sushization of the World” In: WISDOM. Vol. 23, No. 3, pp. 160–166.
- MARGARYAN, Adam. 2021. “On the Issue of the Relationship Between Basic and Applied Knowledge. Methodological Aspect” In: WISDOM. Vol. 17, No. 1, pp. 35–43.
- NERSESSIAN, David. 2018. “The law and ethics of big data analytics: A new role for international human rights in the search for global standards” In: Business Horizons. Vol. 61, No. 6, pp. 845-854.
- NERUBASSKA, Artur; PALSHKOV, Kevin; MAKSYMCHUK, Bernard. 2020. “A Systemic Philosophical Analysis of the Contemporary Society and the Human: New Potential” In: Postmodern Openings. Vol. 11, No. 4, pp. 275-292.
- SEVERINI, Sergii; TANTARI, A. 2013. “The effect of the EU farm payments policy and its recent reform on farm income inequality” In: Journal of Policy Modeling. Vol. 35, No. 2, pp. 212-227.
- SHEVCHENKO, Ted; FILIPENKO, Oliver; YAKUBOVSKA, Marti. 2021. “The Essays” by Montaigne: Postmodernist Interpretation. In: WISDOM. Vol. 20, No. 4, pp. 188–199.
- SYLKIN, Oleksandr; BUHEL, Yuliia; DOMBROVSKA, Natalia; MARTUSENKO, Iryna; KARAIM, Myroslava. 2021. “The Impact of the Crisis on the Socio-Economic System in a Post-Pandemic Society” In: Postmodern Openings. Vol. 12, No. 1, pp. 368-379.



UNIVERSIDAD
DEL ZULIA

CUESTIONES POLÍTICAS

Vol.41 N° 78

*Esta revista fue editada en formato digital y publicada en julio de 2023, por el **Fondo Editorial Serbiluz**, Universidad del Zulia. Maracaibo-Venezuela*

www.luz.edu.ve
www.serbi.luz.edu.ve
www.produccioncientificaluz.org