

15. Про внесення змін до деяких законодавчих актів України щодо збереження традиційного характеру середовища та протидії хаотичній забудові: проект Закону України. URL: <http://www.drs.gov.ua/wp-content/uploads/2020/10/8628-ob-1.pdf> (дата звернення: 18.02.2021).

## REFERENCES

1. *Denysenko, H.H., Ivakin, H.Yu., Katarhina, T.I.* (2015) Kul'turna spadshchyna v konteksti "Zvodu pam'yatok istoriyi ta kul'tury Ukrayiny". "Cultural Heritage in the Context of the "Collection of Monuments of History and Culture of Ukraine" / Kot S.I. (editor-in-chief). K.: Institute of History of Ukraine. 486 p. [in Ukrainian].
2. *Kuderska, N.I.* (2011) Stanovlennya i rozvytok zakonodavstva pro okhoronu kul'turnoyi spadshchyny v Ukrayini. "Formation and Development of Legislation on the Protection of Cultural Heritage in Ukraine". University scientific notes 3, 20–26. URL: [http://nbuv.gov.ua/UJRN/Unzap\\_2011\\_3\\_6](http://nbuv.gov.ua/UJRN/Unzap_2011_3_6) (Date of Application: 18.02.2021) [in Ukrainian].
3. On the Protection and Use of Historical and Cultural Monuments: the Law of the Ukrainian Soviet Socialist Republic. URL: <https://zakon.rada.gov.ua/laws/show/3600-09#Text> (Date of Application: 18.02.2021) [in Ukrainian].
4. On the Protection of Cultural Heritage: Law of Ukraine of 08.06.2000 No 1805-III. Bulletin of the Verkhovna Rada of Ukraine (VVR). 2000. No 39, Art. 333. URL: <https://zakon.rada.gov.ua/laws/show/1805-14#Text> (Date of Application: 18.02.2021) [in Ukrainian].
5. On the Protection of Archaeological Heritage: Law of Ukraine (ed. from 05.02.2011) No 1626-IV. Bulletin of the Verkhovna Rada of Ukraine (VVR). 2004. No 26. Art. 361. URL: <https://zakon.rada.gov.ua/laws/show/1626-15/ed20110205> (Date of Application: 18.02.2021) [in Ukrainian].
6. European Convention on the Protection of the Archaeological Heritage (revised) (ETS No 143) Valletta, 16 January 1992. URL: [https://zakon.rada.gov.ua/laws/show/994\\_150](https://zakon.rada.gov.ua/laws/show/994_150) (Date of Application: 18.02.2021) [in Ukrainian].
7. Roll-call vote on the draft Law on Ukraine's Accession to the Second Protocol to the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 (No 0036). URL: [http://w1.c1.rada.gov.ua/pls/radan\\_gs09/ns\\_golos?g\\_id=5402](http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_golos?g_id=5402) (Date of Application: 18.02.2021) [in Ukrainian].
8. On Amendments to Some Legislative Acts of Ukraine in the Field of Land Relations to Simplify the Procedure for Allocating Land: Law of Ukraine dated 02.07.2013 No 365-VII. URL: <https://zakon.rada.gov.ua/laws/show/365-18> (Date of Application: 18.02.2021) [in Ukrainian].
9. Address of the All-Ukrainian public organization "Union of Archaeologists of Ukraine". URL: [http://www.vgosau.kiev.ua/index.php?option=com\\_content&view=category&layout=blog&id=101&Itemid=164](http://www.vgosau.kiev.ua/index.php?option=com_content&view=category&layout=blog&id=101&Itemid=164) (Date of Application: 18.02.2021) [in Ukrainian].
10. Article 343 as amended in accordance with Law № 901-VIII of 23.12.2015. URL: <https://zakon.rada.gov.ua/laws/show/435-15> (Date of Application: 18.02.2021) [in Ukrainian].
11. *Tolochko, P.P.* (2004) Okhorona arkhеolohichnykh pamyatok. "Protection of Archeological Monuments". Archeology 4, 115–116 [in Ukrainian].
12. Draft Law on Amendments to the Criminal Code of Ukraine on Strengthening Liability for Crimes in the Sphere of Cultural Heritage Protection and Article 44 of the Law of Ukraine "On Protection of Cultural Heritage". URL: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=63507](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=63507) (Date of Application: 18.02.2021) [in Ukrainian].
13. Draft Resolution on rejection of the Draft Law of Ukraine on Amendments to the Criminal Code of Ukraine on Strengthening Liability for Crimes in the Sphere of Cultural Heritage Protection and Article 44 of the Law of Ukraine "On Protection of Cultural Heritage". URL: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=64073](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=64073) (Date of Application: 18.02.2021) [in Ukrainian].
14. "On Approval of regulations on some central executive bodies in the field of culture and amendments to the Regulations on the Ministry of Culture, Youth and Sports of Ukraine: Resolution of the Cabinet of Ministers of Ukraine of December 24, 2019 No 1185. URL: <https://zakon.rada.gov.ua/laws/show/1185-2019-%D0%BF#Texti> (Date of Application: 18.02.2021) [in Ukrainian].
15. On Amendments to Certain Legislative Acts of Ukraine Concerning the Preservation of the Traditional Nature of the Environment and Counteraction to Chaotic Development: Draft Law

of Ukraine. URL: <http://www.drs.gov.ua/wp-content/uploads/2020/10/8628-ob-1.pdf> (Date of Application: 18.02.2021) [in Ukrainian].

UDC 349.415

**Nepomiashchykh Vitalii,**  
Cand. Sci. (History),  
Researcher of the State Research Institute MIA Ukraine,  
Kyiv, Ukraine,  
ORCID ID 0000-0001-9933-6142

### **HISTORICAL AND LEGAL ASPECT OF FORMATION OF PROTECTION AND PRESERVATION OF ARCHAEOLOGICAL HERITAGE OF UKRAINE**

Research article examines the formation of legal and institutional support for the preservation of archaeological heritage. Tendencies in the absence of a comprehensive system of public administration in this area, imperfection and obsolescence of the system of accounting for archaeological heritage, the weakness of current legislation in terms of protection of its objects and punishment for offenses committed against them. The negative consequences of legislative changes in the field of archaeological heritage, which unjustifiably limited the powers of cultural heritage protection bodies and research capabilities of scientists, as well as endangered objects of this heritage are analyzed.

In Soviet times, the content of the concept of “archaeological sites” for the drafting of the Law “On the Protection and Use of Historical and Cultural Monuments” was spelled out in a separate article. Thus, this confirms the opinion of scientists that in the period from 1960 to 1990 the development of legislation in the field of architecture and urban planning, museum work, the adoption of regulations to regulate the registration and protection of architectural monuments, the creation of state historical and architectural reserves. However, since the independence of Ukraine, in order to bring to the same system and form, the Law “On Cultural Heritage” combines many different concepts that actually need special attention from the letter of the law due to its diversity, structure and complexity of content. Therefore, the Parliament of Ukraine adopts a separate law “archaeological heritage” remains an integral part of the concept of cultural heritage.

There are separate articles in other legal documents, which contain articles on the responsibility for the destruction of archaeological heritage sites, as well as illegal construction in places designated as archeological sites or protected areas. From the very beginning, the compensation for the offense was small, which was the reason for the offenders to ignore the current legislation. The legislation from the beginning does not prescribe the issues of standardization of collectors, treasure hunters, some aspects of urban planning.

Despite the imperfection of the legislation, certain positive steps are being taken in Ukraine, in particular, changes are being made to the current legislation, and new executive bodies in the field of culture are being created. In addition, Ukraine accedes to international conventions created for the preservation and protection of cultural heritage sites.

**Keywords:** cultural heritage, archeological heritage, normative-legal documents, legal preservation of monuments, criminal encroachments.

Отримано 16.03.2021