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## PROBLEMS AND CHALLENGES OF LEGAL REGULATION AND OBLIGATIONS OF PRIVATE FOREST OWNERS

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The relevance of this study. Studies on the problems and challenges of private forest owners in the legal system are important, as forests are an essential part of natural resources with great economic, ecological, social importance. Private forests are often owned by individuals or companies, and the rights of these owners and related legal norms affect many areas, including environmental protection, economics, social welfare, and more. The main problems. Forest owners often face legal challenges related to different laws and regulations, which can be confusing and contradictory. Unclear rules and procedures regarding forest management and use can also be problematic. Challenges arise due to the intertwining of the areas of competence of different authorities. Recent legislative changes may affect the rights and obligations of forest owners, so it is appropriate to conduct a detailed analysis of the legislation. The following tasks: to analyze the legal acts of the Republic of Lithuania, identifying what legal obstacles or opportunities may arise for forest owners, in order to ensure sustainable forest management, nature protection and long-term use of forest resources. The aim of this study: to understand the legal acts of the Republic of Lithuania, which regulate the management and protection of forests, and their impact on forest owners. The paper concluded: The analysis of specific practical situations concerning the rights and legitimate interests of private forest owners presents legal challenges. Issues within this realm also emerge when making decisions about the prudent and sustainable utilization of forests. Hence, it is essential to correctly implement legal measures to avoid contravening the legal norms outlined in the applicable acts. The novelty – is related to the constantly changing legal acts of the Republic of Lithuania, which regulates the management and protection of forests. It is necessary to investigate whether there have been changes in legislation in recent years that could affect the rights and management options of forest owners. As a result, it would save time and resources for forest owners. The used methodology analysis of legal acts of the Republic of Lithuania, scientific literature.

**Key words:** private forest, private forest owner, rights and obligations of private forest owners.

### Introduction

#### *Statement of the problem*

Legal regulation, challenges, and issues pertaining to the rights and responsibilities of private forest owners in various countries, notably focusing on Lithuania, Macedonia, and the United Kingdom. The increasing diversity of non-industrial private forest owners (PFOs) in Europe has been recognized by policy makers and the forestry sector at large (Ficko, et al., 2019). Forests and wooded lands hold significant importance in the European Union. Due to their strategic value, the competition between forest products and ecosystem services has prompted the implementation of different land use strategies. Forests play a crucial role in the economy, environment, and social well-being, but they face mounting pressures from factors like

climate change. Private forest owners, including individuals and companies, encounter complex legal situations that can hinder their ability to manage forests sustainably. The concept of private forests and private forest owners is discussed, highlighting the diverse ownership structures and their associated rights and responsibilities. The legal landscape in Lithuania is detailed, encompassing acts like the Forest Law and Land Law that determine the rights, duties, and constraints faced by private forest owners. However, regulatory complexity, inconsistency, and environmental restrictions often create challenges. The article highlights various problems faced by private forest owners, such as bureaucracy, lack of knowledge about forest management, environmental constraints, and climate change impacts. The small size of forest holdings also poses challenges to efficiency and economic viability. Comparisons are drawn with countries like the United Kingdom, where private forest management is encouraged through involvement and adaptation to climate change.

In conclusion, the article emphasizes the need for clear, compatible legal regulations, reduced bureaucracy, educational programs, and cooperation

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among forest owners to promote sustainable management. By addressing these issues, the aim is to create an environment conducive to responsible forest management, contributing to environmental preservation and public welfare.

**Relevance of the topic** Forests and other wooded lands occupy 40 % of the total land area of the European Union (EU). Due to the strategic importance of forests, different land use strategies are applied to meet the increasing competition between forest goods and ecosystem services (Sotirov et al., 2015). Forests are a valuable natural resource. Forests are of great importance for the economy, environment, and social well-being. Environmental problems that have arisen more and more often, such as climate change, put more pressure on forest resources and their management (Sotirov et al., 2015). Forest owners, including private individuals and companies, face complex legal situations that may limit their rights and opportunities to manage forests sustainably and efficiently. This topic is very relevant and requires detailed analysis.

**The aim** is to comprehensively explore the legal, regulatory, and practical aspects of private forest ownership and management, with a view to providing insights, recommendations, and knowledge that can help enhance the well-being of both forest owners and the environment.

**Results** highlight regulatory complexities, challenges related to bureaucracy and environmental constraints, and the need for improved education and cooperation among private forest owners to ensure sustainable management and environmental protection.

#### **Concept of private forest and private forest owners**

In certain Western European nations, there has been a shift in ownership of forests from the public sector to private hands due to the implementation of increasingly neoliberal policies, as noted by Hodge and Adams in 2013 and 2014. Additionally, Europe has witnessed the emergence of land grabbing as a significant issue. Consequently, land acquisition represents an ongoing process that influences the trajectory of rural areas in Europe. A forest is an object to which a person with ownership rights acquires rights and obligations. A person with such a property right is inseparable from the regulation of rights and related issues. With regulation comes the possibility to exercise the rights of management, use, disposal or only some of these rights (Civil Code. 4.20). According to the Food and Agriculture

Organization of the United Nations, private forests are defined as forests owned by individuals, private cooperatives, corporations and other business entities, private institutions (Food and Agriculture Organization, 2018). Based on the concept presented, a private forest could be defined as an area of land with trees that is owned by a private person, company or organization. Forest owners – the state, natural and legal persons and organizations established in foreign countries, which do not have the status of a legal person but have civil jurisdiction in accordance with the laws of those countries, having acquired the ownership right to forests in accordance with the procedure established by law (Law on Forests of the Republic of Lithuania, 1994). Thus, this concept defines forest owners, but the concept of private forest owners does not exist in the literature. Based on the Law on Forests of the Republic of Lithuania, it can be stated that the owner of a private forest is a natural person who has acquired the ownership right to the forest. The owner of a private forest has the right and responsibility to manage the forest, plan hunting activities, collect wood or receive income from other forest products. These forest owners may have different goals, such as generating profit, preserving natural habitats, supporting ecosystems, or recreation. Private forests are restored, managed and used by the owners of private forests, in compliance with this law, as well as the regulations on the management and use of private forests approved by the Government or its authorized Ministry of the Environment, taking into account the proposals of private forest owners' organizations, and other legal acts regulating forestry activities. Owners of private forests have the right to join associations and cooperatives, to establish companies and organizations in accordance with the procedure established by law. The state encourages and supports the development of private forestry, self-management organizations of private forest owners, providing advisory and economic services to forest owners. The status of agricultural cooperatives applies to cooperatives of forest owners (Forest Law of the Republic of Lithuania, 1994).

#### **Analysis of regulations of rights and obligations of private forest owners**

The legal regulation of the rights and obligations of private forest owners in Lithuania is based on various legal acts. Legal acts such as the Forest Law of the Republic of Lithuania and the Land Law of the Republic of Lithuania determine the rights, duties and restrictions that must be observed by private

forest owners. Legislation that defines environmental protection must be observed. Forest state control legislation regulates forest state control, inspections and powers to ensure compliance with legislation and forest sustainability. It is important to note that in some cases owners may enter into agreements with land tenants or users for the management and use of the forest, so knowledge of the regulation of forest owners' responsibilities is essential in order to engage in such activities legally. When analyzing the regulation of rights and duties, it is necessary to highlight the main challenges. First of all, it is the clarity and inconsistency of legal acts. Complex or insufficiently clear legal acts on the management and use of forests can cause problems for their owners, because if it is not clear what actions are allowed and what the owners' rights are, they can be unknowingly violated. According to the State Forestry Service, there are about 20,000 trees on private land. ha of non-forest land that is not covered with wild plants, which in the future, if favorable conditions are created, legal requirements and restrictions are reduced, and even more support is given to landowners for the maintenance, protection and management of the territories, of course also at the initiative of the landowners, could be turned into a forest (Mozgeris, et al., 2021). Thus, according to the State Forest Service, legal requirements, restrictions, and financial support are the most significant factors in promoting afforestation. No less attention is paid to the complexity of obtaining the issued permits. Different forest activities, such as logging or construction, may require different permits, which can be bureaucratic and time-consuming. Environmental restrictions also come into play here. Environmental legislation restricts certain activities in the forest to preserve biodiversity and the environment. This often leads to conflicts between the wishes of the owners and environmental requirements. According to the principles of the Forest Law, it is prohibited to carry out the felling and use of forest resources without obtaining the appropriate permit. Forest cutting permits are issued by the officials of the regional environmental protection departments of the Ministry of Environment of the Republic of Lithuania. Regulations for the management and use of private forests (Regarding Resolution of the Government of the Republic of Lithuania of July 24, 1997, No. 799, 2007) are approved by the Government of the Republic of Lithuania. There are exceptions, such as clearing works, but in all other cases, forest owners must contact the officials

of regional environmental protection agencies before cutting down trees in their forest. The decision on the procedure for issuing logging permits is regulated in detail by the order of the Minister of the Environment of the Republic of Lithuania (Order of the Minister of the Environment of the Republic of Lithuania of November 10, 2004, No. D1-577, 2004). The provision included in the description, which forms the basis of this procedure, establishes that permits are granted to every owner of a private forest or his representative, upon receipt of a power of attorney approved by a notary. Tree fillings are coordinated so as not to exceed natural growth throughout the country during the same period. Another crucial factor is litigation. Different judicial interpretations or disputes over the validity of legal acts can cause problems and disagreements regarding forest management and use.

The question may arise as to whether the interests of the owners and their rights to manage, use and manage their property are not limited, as stated in Article 23 of the Constitution of the Republic of Lithuania (Constitution of the Republic of Lithuania, 1992). However, the owners are given the right to purchase, sell, gift, exchange, mortgage forest land, in accordance with the procedure provided by legal acts. Compared to the western Balkan countries, Lithuania is advanced in the field of private forest management. We can proudly share that legal acts are applied and used. That's how different it is in Macedonia. As a result of the political changes in Southeast Europe that began in the early 1990s with the collapse of Yugoslavia, countries throughout the region are going through a complex process of political, social and economic restructuring (Weiland, 2010). It also includes areas of forest policy and aspects of private forest management and planning. The Forest Resource Assessment Report defines forest ownership as the legal right to freely and exclusively use, control, transfer or otherwise benefit from a forest. Ownership can be acquired through transfer such as sale, gift, and inheritance (Fao, 2015). The same report also defines two types of ownership structures: State-owned Forest or Public Administration administrative units or Public Administration-owned institutions or corporations. Private: Forest owned by individuals, families, communities, corporations and other business entities, private religious and educational institutions, pension or investment funds, non-governmental organizations, conservation associations and other private institutions. North Macedonia is committed

to joining the EU, and the accession process requires the harmonization of national and EU legislation, so part of the legislation will be transferred to the national forest policy. Environmental policy has recently moved to the center stage of EU policy-making, with the European Commission launching programs such as the European Green Deal, which are key drivers of its economic growth strategy. These EU policies are based on the principles of good governance and the same principles need to be implemented at the national level in North Macedonia. A new future, EU-initiated forest policy will ensure that integrity is something that is needed in the coming period. The experts' findings show the need for accountable and transparent processes to protect our rights to information. One of the conditions for creating an effective policy is sustainable and responsible forest management (Stojanovski, 2022). To achieve the objectives, a set of legal, financial, and communication policy mechanisms have been implemented. These encompass modifications to forest legislation, the introduction of fresh strategies and initiatives, the establishment of new funding programs, and the launch of information campaigns. According to the report of the State of Europe's forests the principal objectives of the Forestry Programme 2014–2020 is mainly to plant additional forest. It is set to develop methodology, which would increase management optimization. A target for Spain is 4 million ha increase of forest area by 2032. It is promising and positive growth.

#### **Problems of regulating the rights and duties of private forest owners**

Many researchers, both in Europe and on other continents, especially the USA, argue that the fate of many of the country's forests depends on a diverse and dynamic group of private forest owners (Butler, B., 2022). Analysis of the results of scientific research shows that forest owners are interested in the economic aspects of forestry, forest owners focus on forest management and prefer more intensive wood processing, and they also apply ecological forest management measures (Perkumiene et al., 2022). The 2022 study conducted by the Ministry of the Environment identifies the problems faced by the owners of private forests. As discussed earlier, bureaucratic complexity emerges in regulation. Even 24.3 % of the respondents mentioned bureaucracy. However, in the 2019 survey, the number of respondents was as high as 36.8 %. It is interesting that reducing red tape was mentioned by persons without forestry education. As many as 49.1 % of respondents were

in favor of reducing bureaucracy and more freedom in managing their own forest. However, 24.9 % of the surveyed forest owners are satisfied with the current management work of the institutions, and 26 % say that greater involvement is needed in order for the forest estate to be properly managed. The number of missing general knowledge of forest farming has almost doubled. In 2019, 12.8 % spoke about it, and in 2022 even 24.4 % of forest owners spoke about it. It is clear that regulatory problems exist and have not disappeared, but the biggest problem, according to the respondents, is the size of the forest estate. Small areas are unfavorable for economy. As many as 27.2 % of the respondents advocate a lack of knowledge to receive EU support. This is also reflected in the survey of forest owners, because according to them there is no one to consult with regarding the performance of forestry activities. The report submitted by the Ministry of Environment clearly states that respondents who are under 55 years of age and complain about the lack of information, are more likely to have no education in the field of forestry. More than 40 % of the respondents expressed their desire to participate in trainings that would educate about forest farming. This is an example of a bright future as private forest owners seek to improve. We can say that such trainings would potentially add to the ranks of specialists who could share knowledge about forestry. Knowledge of legal acts and knowledge of forestry would encourage the development of Lithuanian forests (Lietuvos Aplinkos Ministerija, 2022). In Europe, landowners may view nature conservation and management practices as a risk to their economic or other interests, so they may attempt to remove protected plant species or destroy protected animal habitats until the government imposes restrictions on how landowners can use their property (Jokinen, et al., 2018). Increasing the contribution of forestry to biodiversity conservation has been and is challenging. According to the European Commission, the state of forest habitats and species protection in the EU still shows no signs of improvement. As around 60 % of EU forests are privately owned (FAO, & UNECE, 2020), the implementation of the directives would require both ecologically efficient and locally recognized methods, and most importantly to achieve their ecological objectives (Strategy, 2013). Legal regulation has become a very complex area, because knowledge of environmental protection and law are not the only areas that are necessary to know in order to properly take care of your holdings. It is necessary



to share the practices of other countries, especially when climate change becomes more active, in order to gain experience from countries that face droughts almost every day. In nations where a significant portion of forests is privately owned, individuals who own these forests, often referred to as private forest owners or family forest owners, assume a pivotal role in climate change adaptation. By combining private ownership with the autonomy to manage their land and favoring voluntary approaches over regulatory measures, the responsibility for adaptation falls upon the individual level (Bouriaud et al., 2015). While research has shown a growing intention to adapt among Swedish forest owners after exposure to climate change communication, there hasn't been definitive evidence of consistent changes in their management practices (Vulturius, et al., 2020a).

Several advanced nations, notably those within the European Union have acknowledged the significance of eco-innovation and allocated significant financial resources to foster environmental innovation within their territories and regions. In recent years, governments in these advanced countries, including the EU, have heightened their endeavors to encourage environmentally friendly innovation and sustainable economic growth. For instance, the EU, with countries like Sweden as prominent members, has implemented strategies aimed at facilitating structural transformation, with a strong focus on environmental sustainability, which encompasses a range of measures, including the European Green Deal (European Commission, 2023). Climate change is a key driver of current forest policy in the United Kingdom (UK) and calls for changes in forest management practices. Most of the UK's forests are owned by the private sector, so policy implementation depends on the awareness and actions of private forest owners and managers. In Lithuania, climate change problems are not as acute as in the United Kingdom. The 2014 Study analyzes the current potential for change in forest management using a case study in Wales, part of the UK. Forest policy in the UK is multi-layered. The UK Forestry Standard (Forestry Commission, 2017) and associated guidelines provide a framework for sustainable forest management. The latest version of the Standard includes climate change guidelines for the first time. Each country in the UK (England, Scotland, Wales and Northern Ireland) has its own forest strategy which includes a response to climate change. At the UK level, the focus has been on regulatory relaxation, but national strategies include adaptation

by promoting species selection and changing forestry systems (Lawrence, et al., 2014). Across the UK, nearly three-quarters of forests are privately owned, so the private sector's response to forest policy objectives is critical. Unlike many other countries where forest owners are required to draw up a forest management plan, UK woodland owners can set their own forest management goals or leave them unmanaged. Therefore, the main policy instruments in the UK to encourage private owners to manage their forests in line with public policy are based less on regulation (except in the case of tree health) than on advice and grants (Buizer, 2013). Whilst forest owners are facing multiple legal challenges, bad intentions are increasing the number of crimes. Forest crimes encompass various activities that harm forest resources or jeopardize their sustainability and are subject to penalties as a deterrent (Güneş, 2004). In line with Interpol's 2019 report, the illicit logging industry represents an annual financial range of 51 to 152 billion dollars, contributing to as much as 90 % of deforestation in numerous tropical nations and nearly 30 % of global timber production. Most of the deforestation and unlawful logging activities occur within the tropical forests of Amazonia, Central Africa, and Southeast Asia. The EU Forest Action Plan, ratified in 2006, extends the groundwork laid by the 1998 EU Forestry Strategy, serving as a platform for collaboration between Member States and the European Commission concerning forest management, timber processing, and environmental preservation. It sets out four primary goals: (1) enhancing long-term competitiveness, (2) enhancing and safeguarding the environment, (3) enhancing the quality of life, and (4) promoting coordination and communication. (Hirsch, F, 2010). From 2014 to 2020, the European Union actively backed partner nations in their endeavors to safeguard their forests and promote sustainable, inclusive economies and societies. During this period, EU development cooperation funding allocated over €650 million to bolster initiatives related to forests in partner countries (European Commission). It is important to understand the need of forest management, to be able to use the funding sources and to understand the laws on how to carefully gain rather than lose. Legal acts within environmental requirement areas are challenging these days Forest owners. In a Swedish court ruling, it was determined that a forest owner in the Upland region has the right to receive compensation of 2.8 million kroner (equivalent to 247 thousand euros) from the state due to a 2017 decree

by the Swedish Forest Agency. According to a press release from the Swedish Forestry Agency, this decision was made after the agency denied the forest owner a permit to harvest nearly 20 hectares of forest due to the presence of wolves in that area. This Swedish court decision draws parallels with a similar situation in Lithuania, where approximately 200,000 private forest owners exist, and forest habitats are often situated within their properties. The compensation mechanisms for restrictions on forestry activities in these forests remain unclear, resulting in various legal proceedings being initiated. Thus, the court decided that the logging obstacle caused such great damage that it is not adequate to place the burden of loss on the shoulders of the forest owner.

### Conclusions

This article examines the problems and challenges of legal regulation of the rights and obligations of private forest owners in Lithuania and foreign countries, such as Macedonia, United Kingdom, and Sweden. It has been analyzed in detail how legal acts regulate the management, use and protection of forests, what are the main challenges and problems related to the regulation of these rights and obligations. Private forest owners face numerous legal challenges due to the complexity, inconsistency, bureaucracy and environmental requirements of legislation. The great economic and ecological potential of forests requires appropriate legal regulation to ensure sustainable management and protection of forests. The essence of legal regulation is legal acts, such as the Forest Law of the Republic of Lithuania, which defines the rights and obligations of private

forest owners. These owners have the right to plan hunting activities, receive income from forest products and otherwise manage their forest, but the clarity, inconsistency and complexity of the rules can create problems with respect to legal norms. Challenges and problems are inevitable when analyzing the situation of Lithuanian private forest owners. They are noted to be related to bureaucracy, lack of knowledge about forest management, environmental constraints, climate change impacts and the need to adapt forest policies. A fundamental problem is the small size of forest holdings, which limits efficiency and economic utility. Good practice in the UK is based on the involvement of private forest owners and managers. Private forest owners have the opportunity to set their own forest management goals and operate more freely but are encouraged to effectively adapt to climate change and implement sustainable forest management actions. Article shares a practical view and experiences used in the countries like Sweden. To improve the situation of private forest owners, it is necessary to strive for clarity and compatibility of legal acts, reduce bureaucracy, develop educational programs and training on sustainable forest management and environmental requirements. It is also necessary to encourage forest owners to cooperate and share good practices. The rights and responsibilities of private forest owners are important in both economic and ecological aspects. By improving legal regulation, support, and education, it is possible to create favorable conditions for sustainable management and thus contribute to environmental protection and public welfare.

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**ПРОБЛЕМИ ТА ВИКЛИКИ ПРАВОВОГО РЕГУЛЮВАННЯ  
ТА ОBOB'ЯЗКІВ ПРИВАТНИХ ЛІСОВЛАСНИКІВ**

**Анотація**

Актуальність даного дослідження. Дослідження проблем і викликів приватних лісовласників у правовій системі є важливими, оскільки ліси є невід'ємною частиною природних ресурсів, що мають велике економічне, екологічне та соціальне значення. Приватні ліси часто належать окремим особам або компаніям, і права цих власників і відповідні правові норми впливають на багато сфер, включаючи охорону навколишнього середовища, економіку, соціальне забезпечення тощо. Основні проблеми. Власники лісів часто стикаються з юридичними проблемами, пов'язаними з різними законами та нормативними актами, які можуть бути незрозумілими та суперечливими. Нечіткі правила та процедури щодо управління та використання лісів також можуть бути проблемними. Виклики виникають через переплетення сфер компетенції різних органів влади. Останні законодавчі зміни можуть вплинути на права та обов'язки власників лісів, тому доцільно провести детальний аналіз законодавства. Наступні завдання: проаналізувати правові акти Литовської Республіки, визначити, які правові перешкоди або можливості можуть виникнути для власників лісів, щоб забезпечити стале управління лісами, захист природи та довгострокове використання лісових ресурсів. Мета цього дослідження: зрозуміти правові акти Литовської Республіки, які регулюють управління та охорону лісів, та їхній вплив на власників лісів. У роботі робиться висновок: Аналіз конкретних практичних ситуацій щодо прав та законних інтересів приватних лісовласників викликає правові проблеми. Проблеми в цій сфері також виникають під час прийняття рішень щодо розумного та сталого використання лісів. Отже, важливо правильно впроваджувати правові заходи, щоб уникнути порушення правових норм, викладених у чинних актах. Новація пов'язана з постійно змінюваними правовими актами Литовської Республіки, які регулюють управління та охорону лісів. Необхідно дослідити, чи відбулися зміни в законодавстві за останні роки, які могли вплинути на права та можливості господарювання власників лісів. Як наслідок, це заощадить час та ресурси власників лісів. Використана методологія аналізу правових актів Литовської Республіки, наукової літератури.

**Ключові слова:** приватний ліс, приватний лісовласник, права та обов'язки приватних лісовласників.

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