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CHALLENGES AND PROBLEMS OF HUNTING LEGAL REGULATION: THE CASE OF LITHUANIA

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Abstract

Hunting is an integral part of the relationship between man and nature, with both cultural and economic significance. In today's society, hunting not only ensures the regulation of wild animal populations, but is also an important means of maintaining the sustainability of ecosystems. Hunting, as one of the oldest areas of human activity, is important both culturally, economically and environmentally. Historically, hunting played a decisive role in human survival, but in modern society hunting has become not only a way to regulate wild animal populations, but also a significant means of nature conservation. Despite its benefits, hunting often raises many ethical, legal and practical issues related to wildlife protection, hunters' rights and public interests. The legal regulation of this activity often faces complex challenges that arise due to changing social, ecological and economic conditions. This article aims to analyze aspects of legal regulation of hunting, identifying theoretical and practical problems. Research objectives. To determine the theoretical aspects of the institute of hunting. To analyze the regulations governing the institution of hunting. To determine the theoretical and practical problems of legal regulation of the institution of hunting. Provide suggestions for improving the legal situation. Methodology. To properly disclose the topic of the dissertation and achieve the set goals and objectives, the following research methods were used: system analysis, logical-analytical, comparative, document analysis and meta-analysis. The method of systematic analysis was used to thoroughly study the conditions and procedure of hunting. This method revealed the logical connections between legal acts and their interaction with other legal norms. The meta-analysis method was used to analyze the publications of both Lithuanian and foreign scientists and provided an opportunity to carefully study the opinions of various authors and systematically evaluate theoretical studies on the use of natural resources and their practical aspects related to the regulation of this sector. Results. In national law, the legal regulation of hunting is not comprehensively and comprehensively regulated to achieve the main goal, therefore it only partially ensures the proper regulation of the activities of this institute. This has proven to be the case, since under the currently valid legal regulation of hunting, hunters often face difficulties in understanding in which cases hunting is legal due to ambiguous provisions in legal acts. The distribution of institutional competencies is insufficiently defined. Hunting helps regulate animal populations to prevent the overpopulation of certain species, which could cause damage to the ecosystem or other species. It also contributes to the regional economy by generating income from licenses, tourism and related activities. The main principles of hunting regulation: balanced management of the population of game animals, protection of biodiversity and natural habitats, compliance with hunting ethics, resolution of conflicts between hunters and society. Courts often examine disputes regarding the boundaries of hunting areas, the procedure for use and the granting of rights to hunting groups.

Key words: hunting, nature, environmental protection, legal regulation, animal protection.

Introduction. Relevance of the topic. The topic is relevant and significant from both an academic and practical point of view. The scientific novelty of the work and the possibilities of practical application are highlighted through the importance and relevance of this topic, since the legal regulation of hunting is directly related to ecological, legal and social challenges. The thoroughly analyzed theoretical

and practical aspects and the recommendations provided can be a significant contribution not only to academic research, but also to practical efforts to ensure legality, sustainability and effective management of hunting. The novelty of the work is manifested in the fact that this work systematically examines the theoretical and practical problems of hunting regulation to highlight how legal, social and ecological factors interact with each other. Although individual aspects of hunting have been studied previously, the work focuses on their integrated analysis, covering not only the national but also the international legal context. The conclusions and proposals of the work can be useful for legislators and responsible institutions when preparing new legal acts or improving existing ones, in order to better harmonize

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the legal regulation of hunting activities with ecological and social goals.

Problem Statement. When analyzing the Institute of Legal Regulation of Hunting, the following main problems are distinguished:

First, regarding the legal regulation of violations of hunting rules in the territory of the Republic of Lithuania: in the practice of legal regulation of hunting, one of the most prominent and most common problems is violations of hunting rules, which have a negative impact not only on wildlife, but also on the entire hunting management system. These violations can be various – from illegal hunting (poaching) to non-compliance with permit requirements, which indicates that there are gaps in both legal acts and their implementation and control mechanisms.

Second, improper practice of using hunting leaves. Hunting leaves are official documents that record hunting data: hunting location, time, list of hunters, species and quantities of hunted animals, which are necessary to ensure the regulation of animal populations. In practice, legal problems arise due to improper filling out and use of hunting leaves. Hunting leaves are often not filled out immediately after the hunt, so the data provided may be incorrect or inaccurate. For example, there are cases when the number of hunted animals is reduced to conceal violations, or when inaccurate hunting locations are indicated. Such actions not only violate legal acts but also hinder accurate monitoring and regulation of animal populations. There are also cases when hunters falsify documents to conceal illegal hunting or exceeding hunting limits. Supervision of the use of hunting permits is often insufficient. Responsible institutions do not always effectively check whether the data provided in hunting permits corresponds to the real situation, therefore such a situation creates conditions for abuse and paves the way for violations of legal acts.

Thirdly, problems related to the time when hunting is prohibited. Regulation of hunting time is one of the most important elements of the legal regulation of hunting, which is established to protect wild animals at critical stages of their life, for example, during the breeding or raising of young. In Lithuania, hunting rules clearly indicate when and for which species hunting is permitted, but in practice problems often arise related to violations of these rules. One of the main problems is hunting during the closed season, when it is important to ensure peace and protection for certain species of animals.

The purpose of the article. To analyze aspects of legal regulation of hunting, identifying theoretical and practical problems.

Research objectives. To define the theoretical aspects of the hunting institute. To analyze the legal acts regulating the hunting institute.

To identify the theoretical and practical problems of the legal regulation of the hunting institute.

To present proposals for improving the legal situation.

Methodology of investigation. In order to properly reveal the topic of the thesis and achieve the set goal and tasks, the following research methods were used: systematic analysis, logical-analytical, comparative, document analysis and meta-analysis.

The systematic analysis method was applied to thoroughly examine the conditions and procedure of hunting. This method identified logical relationships between legal acts and their interaction with other legal norms. Establishing a logical connection between legal acts is particularly important, since norms regulating similar legal relations are often divided into different legal acts or parts thereof. The logical-analytical method was used to critically assess the area of legal regulation of hunting, analyzing in detail the insights and opinions of various authors on this topic. The comparative analysis method was used to examine in detail and compare the legal features of legal regulation of hunting in different foreign countries. Document analysis method. With the help of the document analysis method, legal acts regulating the legal relations of the hunting institute were thoroughly examined. The meta-analysis method was used to analyze the publications of both Lithuanian and foreign scientists and provided an opportunity to thoroughly examine the opinions of various authors and systematically evaluate theoretical research on the use of natural resources and their practical aspects related to the regulation of this sector.

1. The concept and goals of hunting

Hunting is one of the oldest human activities, the purpose of which since the beginning of human existence has been related to subsistence, ensuring nutrition and defense against wild animals (Hart, 2018). In the modern context, hunting has acquired a much more complex nature – it is not only a way of regulating the relationship between man and nature, but also an important part of nature conservation, population management, recreation and cultural heritage (Mahboubi, et. al., 2024; Meltofte and Tøttrup, 2024). From a legal point of view, hunting is defined as an activity related to the search, tracking, cat-

ching or hunting of certain species of wild animals in accordance with the established norms of legal acts. In the legal acts of the Republic of Lithuania (Lietuvos Respublikos medžioklės įstatymas. 2002; Lietuvos Respublikos Konstitucija, 1992; Law on the Welfare and Protection of Animals of the Republic of Lithuania, 1997, Code of Administrative Offences of the Republic of Lithuania, 2015), hunting is regulated as a set of actions regulating certain species of animals, designed to protect the balance of the ecosystem, ensure sustainable management of animal populations and reduce the damage that animals can cause to agriculture, forestry or other areas of human activity (Constitutional Court Resolution of 13 May, 2005). Hunting is one of the forms of use of animal resources, which has deep traditions and is considered an ancient type of human activity and a social institute. Game resources in the Republic of Lithuania are part of the natural environment, which the Constitution obliges to protect, rationally use, restore and increase. The Law on Hunting was adopted to regulate public relations related to the protection of game and its rational use in the territory of Lithuania. According to the provisions of this law, game animals living in the wild belong to the state by right of ownership. Meanwhile, game animals that have been caught or shot in accordance with the law become the property of the user of the hunting grounds who caught or shot them, with the exception of hunting trophies – they belong to the person who hunted the animal by right of ownership (Article 3(2) of the Law on Hunting).

The concept of hunting is dynamic and depends on many factors: legal, ecological, social and cultural (Potratz, et. al., 2024). Legal factors of hunting include the influence of laws regulating the procedure for hunting, animal protection and territory management (Strong and Silva, 2020). Ecological aspects are related to the protection of natural resources, the balance of species and the impact of hunting on ecosystems. Social factors include the importance of hunting to communities, its impact on the economy, local traditions and lifestyle (Gudeliënė, 2022). Cultural aspects are often associated with historical hunting traditions, moral attitudes and societal attitudes towards nature and wildlife. All this makes hunting a complex phenomenon that is constantly changing in response to the needs and values of modern society.

2. Rights and obligations of users of hunting areas

The rights and obligations of users of hunting areas are regulated by laws and other legal acts to

ensure responsible use of natural resources and ecological balance (Gudeliënė, 2022). Hunting areas, which usually belong to states, municipalities or private landowners, must be properly managed to maintain the biodiversity balance and ensure that hunting is carried out in accordance with the established rules (Order on the approval of the rules for hunting in the territory of the Republic of Lithuania, 2000).

The rights and obligations of users of hunting areas are regulated by Article 12 of the Law on Hunting of the Republic of Lithuania, according to which users of hunting areas have the following rights:

1. Hunting and use of resources: to hunt and use game animal resources in accordance with the conditions specified in the permit and other forms of wildlife use provided for in the Law on Wildlife (Balčiauskas and Kawata, 2022).

2. Protection and increase of resources: to protect game animal resources, promote their increase and improve their living environment conditions.

3. Biotechnical measures and infrastructure: upon agreement with landowners or managers, implement biotechnical measures, install and use hunting infrastructure (for example, fences, towers) and build enclosures for keeping game animals (Gutauskas, 2024).

4. Financial assistance: in accordance with the Law on the Environmental Protection Support Program and the Law on the Special Program for Municipal Environmental Protection Support, receive funding for the improvement of game animal habitats, the restoration of rare and endangered species, the elimination of outbreaks of infectious diseases of wild animals and other purposes provided for in legal acts (Goldberg, 2020; Harrison, and Chepstow-Lusty, 2024).

5. Extend the permit to use game animal resources in a hunting area unit.

6. Pay fees for the use of game animal resources.

7. Do not hunt on land plots where their owners have decided to prohibit hunting.

Users of hunting areas have the right to hunt in accordance with the established rules and licenses. If the area is owned by private individuals, they have the right to allow or prohibit hunting on their land. Hunting area users have the right to obtain licenses and hunting quotas, which determine what animals can be hunted, how many of them can be hunted, and when it can be done (Krištopaitytė, 2020). If hunting areas have specially equipped infrastructure (e.g., shooting ranges, wildlife observation points), users can use them according to established rules. If

hunting is carried out for commercial purposes (e.g., for tourism or sale), hunting area users are entitled to a corresponding profit. Hunting area users must ensure that hunting does not lead to harmful impacts on ecosystems and biodiversity.

In the United States of America (USA), the rights and obligations of hunting area users are regulated at both the federal and state levels. The US system is unique due to the importance of private landownership and the role of the federal government in protecting wildlife. Hunting grounds can be public (state or federal parks, preserves) or private, and rights and responsibilities depend on the type of ownership and local laws (Bennett and Postigo, 2024). Hunters and users of hunting grounds have the right to hunt on public and private lands, but only after obtaining the appropriate licenses, permits, and in compliance with state-established quotas and hunting season regulations. Private landowners have the right to regulate who can hunt on their lands and when (Wanyonyi Rodgers, 2024). They can also sell hunting rights to other individuals or organizations. Hunters in the United States must respect the rights of private landowners and the rules they have established (Lunenburg, 2024). Entering private land without the owner's permission is considered a violation of the law.

3. The problem of legal regulation of the hunting institute in judicial practice

The problematic of legal regulation of the Institute of Hunting in court practice is justified by unclear and ambiguous legal regulation. There are ambiguities in the Law on Hunting of the Republic of Lithuania and other legal acts, which create conditions for different interpretations of norms. For example, disputes regarding the boundaries of hunting areas and the procedure for their use often arise due to imprecise or incomplete regulatory provisions. Legal regulation of hunting often faces a conflict between environmental protection goals, the interests of farmers and the needs of the hunting community (Atalay, et. al., 2024). Court practice often examines disputes regarding damage caused by wild fauna, hunting of protected species or restrictions on hunting areas. Cases considered in courts show that problems often arise regarding the application of legal norms in practice, e.g., cases of illegal hunting, violations of the permit issuance procedure or non-compliance with hunting rules. The problems emerge because of legal gaps, which encourages the search for clearer, systematic regulation and stricter supervision mechanisms to ensure that hunting is carried out

legally and in a sustainable manner. Lithuanian court practice has examined several cases related to violations of hunting rules. For example, negligent taking of life in violation of hunting rules. For example, in the Supreme Court (hereinafter referred to as the SCC) criminal case No. 2K-205-489/2024 (Criminal Cases Division of the Supreme Court of Lithuania, 2024. June 21, 2024). According to the circumstances of the case, D. R. was convicted of the fact that, being a member of the Biržai District Būginiai Hunting Club, without having the right to hunt in the hunting area unit of the Biržai District Šilai Hunting Club, on March 31, 2021, from 10:30 p.m. to 23:41, at an unspecified time in the investigation, in the village of Papilis, Biržai district, near the Papilis pond dam, while hunting in the dark, using a searchlight to illuminate the hunting area, not being sure that his shot would not be dangerous to other persons during the hunt, due to criminal negligence, he fired a hunting rifle at an unidentified target and hit A. S., who was spearfishing in the water, in the head. The victim died from a gunshot wound to the head. The Supreme Court of Lithuania (SLC) found D. Rutkauskas guilty under Article 132, Part 3 of the Criminal Code – negligent taking of life in violation of hunting rules. The court found that the hunter was not sure of the identity of the target and shot at an unidentified object, thus violating the principles of hunting safety. This case highlights the obligation of hunters to exercise extreme caution and verify the identity of the target before shooting. Carelessness and disregard for hunting rules can have tragic consequences, for which one must answer under criminal law. A person was fined for hunting without the necessary permit and hunting in prohibited areas, thus violating the Rules for Hunting in the Territory of the Republic of Lithuania. This case confirms that violations of hunting rules can lead to administrative liability, including fines and confiscation of hunting equipment. This highlights the need for hunters to comply with the established rules and have all necessary permits.

Inappropriate use of hunting permits in Lithuania is regulated by legislation, and case law in this area emphasizes the responsibility of the hunting guide for the correct filling in of hunting permits. The Supreme Court of Lithuania has stated that the hunting permit is a document confirming the fact of hunting, and the hunting guide or the individual hunting person is responsible for its correct filling in (Review of the Case Law of the Supreme Court of Lithuania 2023). If an animal is hunted during a hunt, but this is not recorded in the hunting permit, the respon-

sibility lies with the hunting guide. For example, in a case where a male red deer was hunted during a hunt, but this was not recorded in the hunting permit, the court found that the responsibility lies with the hunting guide, and not with other persons participating in the hunt (Administrative Offences Division of the Supreme Court of Lithuania, 2023). The panel of judges in this case explained that, according to the Hunting Rules, the illegality of hunting, causing damage to nature, is determined not by the fact of hunting the animal itself, but by the failure to enter the relevant data about the hunted animals in the hunting sheet in accordance with the established procedure before they are transported from the hunting area unit where they were hunted, or before their processing begins. Paragraph 23 of the Rules establishes that the hunting leader or an individual hunter is responsible for the correct completion of the hunting sheet in accordance with the requirements of Paragraph 22 of the Rules, and the hunter must inform the hunting leader about the hunted animal. The Supreme Court of Lithuania indicated that during the hunt, in which the person held administratively liable participated, an injured male red deer was hunted, but the hunting of the animal was not recorded in the hunting sheet in accordance with the established procedure. The person held administratively liable, being a hunter, was not the leader of this hunt, and moreover, the fact that he participated in the hunt without a firearm is not denied. The leader of the hunt was another person who, according to the data established in the case, hunted the wounded male red deer with a hunting firearm himself, was himself near the hunted animal, and therefore knew about this case; it was he who was obliged to properly fill out the hunting sheet.

Conclusion. In national law, the legal regulation of hunting is not comprehensively and comprehen-

sively regulated to achieve the main goal, therefore it only partially ensures the proper regulation of the activities of this institute. This has proven to be the case, since under the currently valid legal regulation of hunting, hunters often face difficulties in understanding in which cases hunting is legal due to ambiguous provisions in legal acts. The distribution of institutional competencies is insufficiently defined. Hunting helps regulate animal populations to prevent the overpopulation of certain species, which could cause damage to the ecosystem or other species. It also contributes to the regional economy by generating income from licenses, tourism and related activities.

Users of hunting areas have the right to hunt according to established rules and licenses. If the area belongs to private individuals, they have the right to allow or prohibit hunting on their land. Users of hunting areas have the right to obtain licenses and hunting quotas, which determine which animals can be hunted.

The main principles of hunting regulation: balanced management of the population of game animals, protection of biodiversity and natural habitats, compliance with hunting ethics, resolution of conflicts between hunters and society.

Courts often examine disputes regarding the boundaries of hunting areas, the procedure for use and the granting of rights to hunting groups. For example, inconsistent land register data or inaccurate definitions of legal acts cause conflicts between the hunting community and other interested parties. In cases regarding hunting during prohibited times and with prohibited means, courts emphasize that legal acts are not sufficiently clear regarding certain conditions for issuing permits, which often becomes the cause of violations.

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ПРОБЛЕМИ ТА ВИКЛИКИ ПРАВОВОГО РЕГУЛЮВАННЯ ПОЛЮВАННЯ: ПРИКЛАД ЛИТВИ

Анотація

Актуальність теми. Полювання, як один з найдавніших видів діяльності людини, має важливе значення як з культурної, економічної, так і з екологічної точки зору. Історично полювання відіграло вирішальну роль у виживанні людства, але в сучасному суспільстві воно стало не лише способом регулювання популяцій диких тварин, а й значним засобом охорони природи. Незважаючи на свої переваги, полювання часто викликає кілька етичних, правових та практичних питань, пов'язаних із захистом дикої природи, правами мисливців та суспільними інтересами. Правове регулювання цієї діяльності часто стикається зі складними викликами, що виникають через зміну соціальних, екологічних та економічних умов. Актуальність цієї теми виявляється також тим, що правове регулювання полювання охоплює багато аспектів – від захисту тварин, збереження природних

середовищ існування до нагляду за діяльністю мисливців. **Постановка задачі.** При аналізі діяльності Інституту правового регулювання полювання виділяються такі основні проблеми: По-перше, щодо правового регулювання порушень правил полювання на території Литовської Республіки: у практиці правового регулювання полювання однією з найвиразніших та найпоширеніших проблем є порушення правил полювання, які негативно впливають не лише на дику природу, а й на всю систему управління мисливським господарством. Ці порушення можуть бути різноманітними – від незаконного полювання (браконьєрства) до невиконання вимог дозволів, що свідчить про наявність прогалин як у правових актах, так і в механізмах їх реалізації та контролю. По-друге, неправильна практика використання мисливських листків. Мисливські листки – це офіційні документи, в яких фіксуються дані про полювання: місце полювання, час, список мисливців, види та кількість вполювання тварин, що необхідно для забезпечення регулювання популяцій тварин. На практиці правові проблеми виникають через неправильне заповнення та використання мисливських листків. Мисливські листки часто не заповнюються одразу після полювання, тому надані дані можуть бути неправильними або неточними. Наприклад, трапляються випадки, коли кількість вполювання тварин зменшується для приховування порушень, або коли вказуються неточні місця полювання. Такі дії не лише порушують законодавчі акти, а й перешкоджають точному моніторингу та регулюванню популяцій тварин. Також трапляються випадки, коли мисливці підробляють документи, щоб приховати незаконне полювання або перевищення лімітів полювання. Нагляд за використанням дозволів на полювання часто є недостатнім. Відповідальні установи не завжди ефективно перевіряють, чи відповідають дані, наведені в дозволах на полювання, реальній ситуації, тому така ситуація створює умови для зловживань та відкриває шлях для порушень законодавчих актів. По-третє, проблеми, пов'язані з часом, коли полювання заборонено. Регулювання часу полювання є одним з найважливіших елементів правового регулювання полювання, яке встановлено для захисту диких тварин на критичних етапах їхнього життя, наприклад, під час розмноження або вирощування молодняку. У Литві правила полювання чітко вказують, коли і на які види дозволено полювання, але на практиці часто виникають проблеми, пов'язані з порушеннями цих правил. Однією з основних проблем є полювання під час забороненого сезону, коли важливо забезпечити спокій та захист певних видів тварин. **Задачі дослідження.** Визначити теоретичні аспекти інституту мисливства. Проаналізувати нормативно-правові акти, що регулюють інститут мисливства. Визначити теоретичні та практичні проблеми правового регулювання інституту мисливства. Надати пропозиції щодо покращення правової ситуації. **Методологія.** Для належного розкриття теми дисертації та досягнення поставленої мети й завдань було використано такі методи дослідження: системний аналіз, логіко-аналітичний, порівняльний, аналіз документів та метааналіз. Метод систематичного аналізу було застосовано для ретельного вивчення умов та процедури полювання. Цей метод виявив логічні зв'язки між правовими актами та їх взаємодію з іншими правовими нормами. Встановлення логічного зв'язку між правовими актами є особливо важливим, оскільки норми, що регулюють подібні правові відносини, часто поділяються на різні правові акти або їх частини. Логіко-аналітичний метод було використано для критичної оцінки сфери правового регулювання полювання, детально проаналізувавши думки та погляди різних авторів з цієї теми. Метод порівняльного аналізу було використано для детального вивчення та порівняння правових особливостей правового регулювання полювання в різних зарубіжних країнах. Метод аналізу документів. За допомогою методу аналізу документів було ретельно досліджено правові акти, що регулюють правові відносини інституту полювання. Метод метааналізу було використано для аналізу публікацій як литовських, так і іноземних вчених і надав можливість ретельно вивчити думки різних авторів та систематично оцінити теоретичні дослідження щодо використання природних ресурсів та їх практичні аспекти, пов'язані з регулюванням цього сектору.

Ключові слова: полювання, природа, охорона навколишнього середовища, правове регулювання, захист тварин.

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