

Legal Regulation of the Special Legal Regimes in Ukraine

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1. Introduction

The Constitution of Ukraine (CU) in Art. 92¹ stipulates that the legal regime of martial law and state of emergency and zones of ecological emergency are determined exclusively by the laws of Ukraine.

According to N.P. Kharchenko, a “legal regime” is a special procedure for the legal regulation of social relations, carried out through a system of variably combined legal means, to streamline them.² Yu P. Zhvanko understands a “special legal regime” as a kind of (specific) procedure of legal regulation caused by special circumstances, endowing public authorities with special powers that are manifested in the establishment of temporary legal means aimed at eliminating those circumstances on which their application was based.³ Klymenko notes that a special legal regime is used when an existing danger threatens national interests, if there is no way to overcome the danger other than through the introduction of special legal regimes, state authorities, local governments, and military commands.

The views of the majority of scientists agree that the use of administrative and legal modes is associated with special language (citations) in public activity and social life, which underpin their extraordinary nature.⁴

1 Constitution of Ukraine, (June 28, 1996) no. 254к/96-ВР

2 Kharchenko, 2018, p. 26.

3 Zhvanko, 2019, p. 47.

4 Klivenko, 2017, p. 83.

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There are two grounds for the introduction of extreme regimes: the factual basis (a phenomenon that is included in the relevant list) and the legal basis (the relevant act of state power).⁵ The introduction of any special regimes is regulated by the Code of the Civil Protection of Ukraine (CCP).⁶ The civil defense of Ukraine is a state system of governing bodies, forces, and means created to organize and ensure the protection of the population from the consequences of emergencies of a human-instigated, natural, sociopolitical, or military nature.

There are four levels of functioning of the state civil protection system in Ukraine:

⁵ Kuznichenko, 2011, pp. 47–49.

⁶ Code of Civil Protection of Ukraine (October 2, 2012) no. 5403-VI

<p>Types and definitions of regimes</p>	<p>Mode of daily operation is introduced in a normal industrial, radiation, chemical, seismic, hydrogeological, hydrometeorological, human-caused, and fire conditions and in the absence of epidemics, epizootics, and epiphytosis.</p> <ul style="list-style-type: none"> – Observation and control over the state of the environment, the situation at potentially dangerous objects and adjacent territories. – Development and implementation of measures to prevent emergencies, ensure the protection of the population, and reduce possible material losses. – Creation and renewal of material reserves to eliminate the consequences of the emergency situation. – Constant forecasting of the situation, the deterioration of which can lead to an emergency situation. 	<p>High alert mode is introduced in case of a threat of emergency by decision of the Cabinet of Ministers of Ukraine, the Council of Ministers of the Autonomous Republic of Crimea, regional authorities, Kyiv or Sevastopol city state administrations, for a single state civil protection system in full or in part for some of its territorial subsystems increased readiness.</p>	<p>Emergency situations also arise during the liquidation of the consequences of emergencies.</p>	<p>A state of emergency, which aims to ensure the safety of citizens in case of natural disasters, accidents and catastrophes, epidemics, and epizootics, as well as to protect the rights and freedoms of citizens, a constitutional order is issued in the event of mass violations or attempts to seize power by violence in Ukraine.</p>
<p>In this mode, the following activities are carried out:</p>	<ul style="list-style-type: none"> – All measures of day-to-day operations, plus: strengthening of monitoring and control over the situation at potentially dangerous objects, as well as the situation, and forecasting the possibility of an emergency situation and its scale. – Implementation of measures to prevent emergencies, and protect the population and territories. – Bringing available forces and means to a state of heightened readiness. – With a high alert being introduced in the rest of Ukraine, these are more preventive measures, which primarily concern public authorities, local governments, law enforcement agencies and rescuers, respectively. – Strengthening security in places with large crowds, subways in particular. 	<ul style="list-style-type: none"> – Organizing the protection of the population and territories. – Organizing work connected with the localization or liquidation of the consequences of an emergency situation. – Ensuring the sustainable functioning of economic facilities and prioritizing the livelihoods of the affected population. – Constantly monitoring the state of the environment, etc. 	<ul style="list-style-type: none"> – Establishment of a special regime of entry and exit, as well as restrictions on the freedom of movement. – Restricting movement of vehicles and their inspection. – Strengthening the protection of the public order and the facilities that ensure the livelihood of the population, as well as the activities of possible objects of the national economy. – A ban on meetings, rallies, street marches and demonstrations, sports, and other mass events. – A ban on strikes. 	

Table 10. The state civil protection system in Ukraine.

Source: Author's compilation

2. Martial law regime

2.1. *The concept of martial law*

Martial law (*viys'kovyy stan*) is established during hostilities. The concept of “martial law” is defined simultaneously in two laws of Ukraine: “On the legal regime of martial law”⁷ and “On the defense of Ukraine.”⁸ According to Art. 1 of these two laws, martial law is a special legal regime imposed in Ukraine, or in certain localities, in case of armed aggression or threat of attack, or a danger to Ukraine’s independence or its territorial integrity, and provides the relevant state authorities, military commands, military administrations, and local government bodies with the powers necessary to avert the threat, repel armed aggression and ensure national security, eliminate the threat to the independence of Ukraine, protect its territorial integrity, as well as temporary, threatened, restriction of constitutional human and civil rights and freedoms and the legitimate interests of legal entities—while indicating the duration of these restrictions. “War,” one of the primary types of military conflict,⁹ is defined an organized armed struggle between states, social classes, and so on, including “hybrid warfare.”¹⁰

2.2. *Legal regulation of the procedure of establishing martial law in Ukraine*

According to the laws “On the defense of Ukraine” and “On the legal regime of martial law,” it should be noted that the president of Ukraine (PU) has the authority to decide on the imposition of martial law in Ukraine or its localities only in case of threat of attack, danger to the independence of Ukraine, this is required by the provisions of paragraph 20 of the first part of Art. 106 of the CU, which regulates the procedure for deciding on the imposition of martial law in Ukraine or in certain localities.¹¹ The PU is empowered, if there is a threat of attack or danger to the independence of Ukraine, to make decisions regarding 1) general mobilization; 2) partial mobilization; 3) the imposition of martial law in Ukraine; 4) the imposition of martial law in some of its localities.

The procedure for imposing martial law in Ukraine or in certain localities thereof must be submitted to the PU for consideration by the National Security and Defense Council of Ukraine. If a decision is made on the need to impose martial law in Ukraine or in certain

7 On the legal regime of martial law (June 12, 2015) no. 389-VIII.

8 On the defense of Ukraine (December 6, 1991) no. 1932-XII.

9 On the national security of Ukraine (June 21, 2018) no. 2469-VIII.

10 Topolnitsky and Tychna, 2019, p. 93.

11 Topolnitsky and Tychna, 2019, p. 95.

localities, the PU shall issue a decree and immediately apply to the Verkhovna Rada, the parliament of Ukraine (VRU) for its approval, and simultaneously submit the relevant draft law. The VRU convenes for a two-day session without convening and considers the issue of approving the decree of the PU on the imposition of martial law in Ukraine or in certain localities thereof. The decree of the PU approved by the VRU must be immediately announced through the mass media or otherwise promulgated together with the law and will enter into force at the same time. The period of martial law begins with the date and time of the beginning of martial law, which are established by the decree of the PU upon the imposition of martial law, and ends with the date and time of cancellation (termination) of martial law.

The decree of the PU on the imposition of martial law states:

- the justification of the need to impose martial law;
- the boundaries of the territory in which martial law is imposed, the time of introduction and the period for which it is imposed;
- the tasks of the military command, military administrations, state authorities, and local self-government bodies regarding the introduction and implementation of measures of the legal regime of martial law;
- the task of the subjects of civil protection to bring the unified state system of civil protection, as well as its functional and territorial subsystems into readiness to perform the tasks assigned in a special period; and
- an exhaustive list of the constitutional rights and freedoms of citizen, which are temporarily restricted with the imposition of martial law, indicating the term of these restrictions, as well as temporary restrictions on the rights and legitimate interests of legal entities.

It should be noted that under martial law, it is prohibited:

- To change the CU;
- To change the Constitution of the Autonomous Republic of Crimea;
- To hold elections for PU, as well as elections to the VRU, the VR of the Autonomous Republic of Crimea, and local self-government bodies;
- To hold all-Ukrainian and local referendums; or
- To hold strikes, mass rallies and actions.

Therefore, during martial law, the powers of the PU, the VRU, the Cabinet of Ministers of Ukraine (CMU), the commissioner of the VRU for human rights, as well as courts, prosecutors of Ukraine, bodies conducting operational and investigative activities, pre-trial investigation and bodies whose units carry out counterintelligence activities cannot be terminated. In case of expiration of the term of office of the PU during martial law, his powers shall be extended

and may not be limited to the assumption of office of the newly elected PU, elected after the abolition of martial law. In case of expiration of the term of office of the VRU during martial law, its powers shall be extended until the day of the first sitting of the first session of the VRU elected after the abolition of martial law.

During Ukraine's independence, martial law was imposed once. The procedure of establishing such a decision took four years. Namely, on April 15, 2014, the VRU adopted the Law of Ukraine,¹² which determines the status of the territory of Ukraine temporarily occupied as a result of armed aggression of the Russian Federation, establishes a special legal regime in this territory; determines the peculiarities of state bodies, local governments, enterprises, institutions, and organizations in this regime; the observance and protection of human rights and freedoms of citizens; as well as the rights and legitimate interests of legal entities.

Then recognized the temporarily occupied territories of certain districts, cities, towns, and villages in the Donetsk and Luhansk regions, in which in accordance with the Law of Ukraine¹³ a special order of local self-government was introduced until all illegal armed formations, Russian occupation troops, their military equipment, as well as militants and mercenaries were withdrawn from the territory of Ukraine and full control of Ukraine was restored on the state border of Ukraine.

In its appeal¹⁴ Ukraine remains the object of military aggression by the Russian Federation, which it carries out, inter alia, through the support and provision of large-scale terrorist attacks (par. 1 of the appeal); the VRU recognizes the Russian Federation as an aggressor state and calls on Ukraine's international partners to recognize the Russian Federation as an aggressor state that fully supports terrorism and blocks the activities of the UN Security Council, which threatens international peace and security, and the so-called DNR and LNR¹⁵ to be recognized as a terrorist organizations (paragraphs 6 and 8 of the Appeal).

12 On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine (April 15, 2014), no. 1207-VII.

13 About the special order of local government in separate areas of Donetsk and Luhansk areas (September 16, 2014), no. 1680-VII.

14 Appeal to the United Nations, the European Parliament, the Parliamentary Assembly of the Council of Europe, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, the Guam Parliamentary Assembly, and national parliaments of the world, on the recognition of the Russian Federation as an aggressor state, (January 27, 2015), no. 129-VIII.

15 DNR—*Donets'ka narodna Respublika* (Donetsk People's Republic)—is unrecognized and self-proclaimed terrorist quasi-state formation established by field commanders and pro-Russian separatist political leaders in the territory of certain districts of the Donetsk region of Ukraine occupied by the Russian Federation. LNR—*Luhans'ka narodna Respublika* (Luhansk People's Republic)—according to Ukrainian and world jurists, is a fictitious quasi-state terrorist group, the self-proclaimed puppet regime established by the Russian Federation in the occupied territory of certain districts of the Luhansk region of Ukraine.

Subsequently, the VRU approved the text of the Statement of the VRU¹⁶, in par.1 of item 1 which states that the armed aggression of the Russian Federation against Ukraine began on February 20, 2014. The PU by decree¹⁷ approved the Military Doctrine of Ukraine, which recognized and recorded the fact of armed aggression of the Russian Federation against Ukraine.

Three years later, the *Verkhovna Rada's* appeal was officially accepted again¹⁸ which states that on November 25, 2018, the Armed Forces of the Russian Federation carried out an armed attack on the Ukrainian naval boats Berdyansk and Nikopol, and the tugboat *Yani Kapu*,” which carried out a planned sea crossing from the port of Odessa to the port of Mariupol in compliance with current multilateral and bilateral international agreements and navigation rules. Such actions of the Russian Federation are an act of armed aggression against Ukraine.

Thus, the martial law in Ukraine in accordance with paragraph 20 of Part 1 of Art. 106 of the CU, the Law of Ukraine “On the legal regime of martial law,” the PU issued a Decree “On the imposition of martial law in Ukraine” from November 26, 2018, no. 393 / 2018, paras. 1, 2, was imposed in Ukraine from 2:00 pm on November 26, 2018, for a period of 30 days to 2:00 pm on December 26, 2018. Military command¹⁹ together with the Ministry of Internal Affairs of Ukraine, other executive bodies, and local self-government bodies, was ordered to introduce and implement the measures and powers provided by the Law of Ukraine “On Martial Law” necessary to ensure Ukraine’s defense, public safety and state interests. Martial law was imposed in Vinnytsia, Luhansk, Mykolaiv, Odessa, Sumy, Kharkiv, Chernihiv, as well as the Donetsk, Zaporizhia, and Kherson regions, and the internal waters of the Ukraine Azovo-Kerchen area.²⁰ It was also decided that the actions of the Russian Federation against the ships of the Naval Forces of the Armed Forces of Ukraine, which had serious consequences,

16 On the statement of the Verkhovna Rada of Ukraine, “On repelling armed aggression of the Russian Federation and overcoming its consequences” resolution of the Verkhovna Rada of Ukraine (April 21, 2015), no. 337–VIII.

17 On the decision of the National Security and Defense Council of Ukraine, “On the new version of the military doctrine of Ukraine” (September 2, 2015), no. 555/2015.

18 On the Address of the Verkhovna Rada of Ukraine to the United Nations, the European Parliament, the Parliamentary Assembly of the Council of Europe, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, the Guam Parliamentary Assembly, and national parliaments of the world, in connection with the next act of aggression against Ukraine (November 26, 2018), no. 2632–VIII.

19 General staff of the Armed Forces of Ukraine, command of the Armed Forces of Ukraine, operational commands, commanders of military units, units of the Armed Forces of Ukraine, State Border Guard Service of Ukraine, State Special Transport Service, State Service for Special Communications and Information Protection of Ukraine, National Guards of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, and the Department of State Protection of Ukraine.

20 Case no. 420/6911/18, <https://reyestr.court.gov.ua/Review/81362395> (Accessed: 15 June 2021)

constitute a crime of armed aggression and fall under paragraphs “c” and “d” of Art. 3 of UN General Assembly Resolution 3314 (XXIX), December 14, 1974.²¹

Confirmation of the aggression of the Russian Federation is also traced in the decisions of the courts of Ukraine. For example, a plaintiff appealed to the court to establish the fact that has legal significance, citing the fact that he has been called since April 2015 to mobilize the Armed Forces on the basis of the presidential decree no. 15 from January 14, 2015 through May 2017 under the contract he served in the military as part of the 25th separate motorized infantry battalion held the position—mechanic—driver, has the rank of junior sergeant. In the period from December 12, 2015, to September 27, 2015, from February 22, 2016, to May 17, 2016, from June 13, 2016, to July 19, 2016, from September 20, 2016, to October 31. In 2016, from January 31, 2017, to March 7, 2017, the directly took part in hostilities in eastern Ukraine. As a result of armed aggression and military conflict, which was initiated by the Russian Federation against Ukraine, he was injured on June 30, 2016, near the village of Troitske in the Luhansk region. The court satisfied the claim in full and established the legal fact of injury to the plaintiff in the performance of military service on June 30, 2016, near the village of Troitske in the Luhansk region, due to the armed aggression of the Russian Federation against Ukraine.²²

The specificity of Russia’s aggression against Ukraine is Russia’s unconditional violation of the system of basic international legal agreements, large-scale damage, significant duration of the conflict and the actual conduct of the war without declaring it, using conspiracy rules and masking its actions by Russia. According to Art. 1 of the law of Ukraine “On the defense of Ukraine”²³ any of the following actions is considered armed aggression against Ukraine:

- (a) invasion or attack of the armed forces of another state or group of states on the territory of Ukraine, as well as occupation or annexation of part of the territory of Ukraine;
- (b) blockade of ports, coast or airspace, violation of communications of Ukraine by the armed forces of another state or group of states;
- (c) an attack by the armed forces of another state or group of states on the military land, naval or air forces or civilian naval or air fleets of Ukraine;

21 On the decision of the National Security and Defense Council of Ukraine, “On emergency measures to ensure the state sovereignty and independence of Ukraine and the imposition of martial law in Ukraine”: Decree of the PU, 26.11.2018 no. 390/2018.

22 Case no. 592 / 3395/19 Proceeding no. 2-0 / 592/104/19 <https://reyestr.court.gov.ua/Review/81555130> (Accessed: 15 June 2021)

23 “On the Defense of Ukraine (1991)

- (d) sending by another state or on its behalf to armed groups of regular or irregular forces that commit acts of use of armed force against Ukraine, which are of a serious nature;
- (e) the actions of another state (states) that allow its territory, which it has made available to a third state, to be used by that third state (states) to commit the acts referred to in subparagraphs (a) and (d);
- (f) the use of units of the armed forces of another state or group of states that are on the territory of Ukraine in accordance with international agreements concluded with Ukraine against a third state or group of states, other violation of the terms of such agreements, or the continuation of these units on the territory of Ukraine agreements.

The fact of aggression and attack of the Russian Federation on Ukraine was stated in the decisions of domestic courts, in particular in the verdict of the Sviatoshynsky District Court of Kyiv of March 18, 2019, in the case no. 759/16863/16-k, etc. Yet, it states that the Russian authorities decided to start planning and preparing for an aggressive war against Ukraine from the territory of the Autonomous Republic of Crimea, and also established the fact of blocking and seizing state authorities, military, and civilian infrastructure in the Autonomous Republic of Crimea.²⁴ The Russian–Ukrainian “*hybrid*” war is taking place in Ukraine, given that a “*hybrid*” war is a special type of armed conflict in which hostilities play a secondary role, with the aim of imposing freedom on the enemy by using various forms of force.²⁵

In some localities in Ukraine where martial law has been imposed, the military command together with military administrations (in case of their formation) may introduce and carry out the following measures of the legal regime of martial law:

- (1) to establish an enhanced protection of important objects of the national economy and objects that ensure the livelihood of the population, and to introduce a special regime of their work (the list of objects is approved by the CMU);
- (2) to raise, in the manner prescribed by the Constitution and laws of Ukraine, the issue of banning the activities of political parties, public associations, if it is aimed at eliminating the independence of Ukraine, forcibly changing the constitutional order, violating the sovereignty and territorial integrity of the state, undermining its security, illegal seizure of state power, propaganda of war, violence, incitement of inter-ethnic, racial, or religious hatred, or encroachment on human rights and freedoms or public health;

²⁴ Unified state register of court decisions, <http://reyestr.court.gov.ua/Review/80519617> (Accessed: 15 June 2021)

²⁵ Topolnitsky and Tychna, 2019, p. 94.

- (3) to establish military and apartment conscription of individuals and legal entities for the accommodation of servicemembers, law enforcement agency employees, civil defense servicemembers, evacuated populations, and the accommodation of military units, subdivisions, and institutions;
- (4) to establish a procedure for using the fund for the structures for civil protection;
- (5) to evacuate the population if there is a threat to their life or health, as well as items of material and cultural value, if there is a threat of damage or destruction, according to the list approved by the CMU;
- (6) etc.²⁶

Carrying out constitutional reforms in wartime is impossible and doomed to failure. Martial law makes it impossible to ensure the implementation of the provisions adopted in the occupied territories of Ukraine, most citizens are involved in hostilities, and it is impossible to discuss reforms at all levels.²⁷

Martial law on the entire territory of Ukraine or in some localities is abolished by a decree of the PU upon a proposal by the National Security and Defense Council of Ukraine, once there is an elimination of the threat to the state independence of Ukraine or its territorial integrity. The VRU may address the PU with a proposal to abolish martial law.

2.3. Restrictions on the rights and freedoms of citizens under martial law

The essence of a martial law regime is to ensure an unimpeded and prompt opportunity to avert the threat, repel armed aggression, and ensure national security, eliminate the threat to the independence of Ukraine, or its territorial integrity, by providing statutory authorities, military command, military administrations, and local governments with certain powers required to do so. As a result, certain constitutional rights and freedoms of citizens may be temporarily (for the period of martial law) restricted. The essence of the restriction of the constitutional rights and freedoms of man and citizen during martial law, in turn, is explained by the peculiarity of the regime of their protection by the state at that time. For example, in peacetime, entry into and search of a dwelling is permitted solely on the basis of a court decision (with a few exceptions), but during martial law, a court decision is not required to enter and inspect a dwelling. Thus, the protection of national security, the independence of

²⁶ About approval of the standard plan of introduction and maintenance of measures of a legal mode of martial law in Ukraine or in its separate localities (July 22, 2015), no. 544.

²⁷ Morozyuk, 2016, p. 58.

Ukraine and its territorial integrity in a state of war prevails over some constitutional rights and freedoms of citizens.

During martial law, to ensure the defense and security of the state, the rights and freedoms of citizens of Ukraine, foreign citizens, stateless persons, the activities of organizations regardless of organizational and legal forms and forms of ownership, the rights of their officials must be restricted. Citizens, organizations, and their officials may have additional responsibilities.²⁸

The legal status and restrictions of the rights and freedoms of citizens and the rights and legitimate interests of legal entities under martial law are determined in accordance with the CU²⁹ and the law.³⁰ In particular, an exhaustive list of constitutional rights and freedoms of man and citizen, which are temporarily restricted in connection with the imposition restrictions.

According to the decree of the PU,³¹ the following constitutional rights and freedoms of man and citizen are restricted during the martial law regime:

- (1) The right to inviolability of the home. This includes the possibility of inspecting the housing of citizens and things in it without a court decision on permission for such actions, as well as establishing conscription for service members, law enforcement officers, civil defense personnel, evacuees, and the deployment of military units, subdivisions and institutions.³²
- (2) The right to secrecy of correspondence, telephone conversations, electronic communications, and other correspondence.— This includes the introduction of state regulation of telecommunications, printing companies, publishers, broadcasters, television and radio companies, media, as well as the use of local radio stations, television centers and printing houses for military purposes.
- (3) The right to non-interference in private and family life, which includes the right to the protection of confidential information. This includes the possibility of the state to check documents at persons, and in case of need to carry out inspection of things, vehicles, luggage and cargoes, office premises and housing of citizens (Item 7).
- (4) The freedom of movement, free choice of place of residence, the right to leave the territory of Ukraine freely—This establishes a special regime of entry and exit, restricts the freedom of movement of citizens, foreigners, and stateless persons, as well as the movement of vehicles and the introduction of curfew; establishes a ban or restriction

28 Nastyuk and Belevtseva, 2009, p. 91.

29 Constitution of Ukraine

30 On the legal regime of martial law, Art. 20

31 On the imposition of martial law, Decree of the PU, (26.11.2018) no. 393

32 On the legal regime of martial law, Art 8

on the choice of place of residence or residence of persons in the territory where martial law is in force; establishes a ban on citizens who are in the military or special records in the Ministry of Defense of Ukraine, the Security Service of Ukraine, or the Foreign Intelligence Service of Ukraine, to change their place of residence without the permission of the military commissar or head of the Security Service of Ukraine or the Foreign Intelligence Service of Ukraine.³³

- (5) The right to freedom of thought and speech, to freely express one's views and beliefs, which includes the right to freely collect, store, use, and disseminate information orally, in writing, or otherwise—at their discretion. The military command has the right to interfere in the editorial policy of television and radio organizations, up to the right to ban the broadcast of certain programs. Journalists are not allowed to take panoramic pictures in the combat zone, and must take pictures in such a way that it is impossible to identify the location of the military and determine the amount of equipment. It is also forbidden to report accurate information about the nature of hostilities, the number of military formations and their weapons, and so on. All this information falls under the definition of state secrets.³⁴ At the same time, the military command has the right to use local TV and radio channels for military purposes. The military can also interfere in both public and private channels. And the last restriction is a ban on “transmitting information over computer networks.”³⁵
- (6) The right of citizens to assemble peacefully, without weapons and to hold meetings, rallies, marches and demonstrations. The state has the right to prohibit peaceful gatherings, rallies, marches and demonstrations, and other mass events.
- (7) Guarantee of inviolability of the right of private property.³⁶ This allows the deprivation of the right of ownership of individually determined properties in private or communal ownership and which become the property of the state for use under the legal regime of martial law or state of emergency, subject to full reimbursement, made in advance or subsequently. The decision on the compulsory alienation of property is made by the military command. In areas where hostilities are taking place, forced alienation is carried out by the decision of the military command without the consent of such bodies.³⁷ If the property that was forcibly alienated from legal entities or

33 About approval of the standard plan of introduction and maintenance of measures of a legal mode of martial law in Ukraine or in its separate localities (July 22, 2015), no. 544.

34 On state secrets (January 21, 1994), no. 3855-XII.

35 Figel, 2015, pp. 225, and 227.

36 On the transfer, compulsory alienation or seizure of property under the legal regime of martial law or state of emergency (2012)

37 Some issues of full compensation for property forcibly alienated under the legal regime of martial law or state of emergency, Decree Cabinet of Ministers of Ukraine (October 31, 2012), no. 998.

individuals is preserved after the abolition of the legal regime of martial law, the former owner or his authorized person has the right to demand in court the return of such property under the conditions prescribed by law. A former owner of property that has been forcibly expropriated may request that other property be provided in return, if possible.³⁸

Features of compensation for alienated property

- (a) preliminary full reimbursement of the value of the forcibly alienated property is made on the basis of a document containing a conclusion on the value of the property on the date of its assessment, which was carried out in connection with the decision on its compulsory alienation.
 - (b) the following full compensation: the former owner or his authorized person after the abolition of the martial law applies to the military commissariat at the place of alienation of property with a statement, which is accompanied by an act and a document containing a conclusion on the value of property.
 - (c) return of alienated property—carried out on the basis of court decision that has entered into force if after the abolition of martial law property that was forcibly alienated is preserved, and the former owner or his authorized person insists on the return of property. At the same time, the person undertakes to return the amount of money received by him in connection with the alienation of property, less a reasonable fee for the use of this property;
- (8) The right to entrepreneurial activity. The limitation of this right lies in the possibility of the state³⁹:
- (a) to use the capacities and labor resources of enterprises, institutions and organizations of all forms of ownership for defense, to change the mode of their work;
 - (b) to regulate the work of telecommunications, printing enterprises, publishing houses, television and radio organizations, organizations, and establishments of culture and mass media;
 - (c) to prohibit trade in arms, potent chemical and poisonous substances, as well as alcoholic beverages;
 - (d) to establish a special regime in the production and sale of medicines that contain narcotic drugs, psychotropic substances, and precursors;

38 On the transfer, compulsory alienation or seizure of property under the legal regime of martial law or state of emergency (May 17, 2012) no. 4765-VI.

39 On the legal regime of martial law no. 389-VIII.

- (e) to withdraw from enterprises, institutions, and bodies that manufacture training and combat equipment, explosives, radioactive substances and materials, potent chemicals and toxic substances;
 - (f) to remove from the positions of heads of enterprises, institutions, and organizations for improper performance of their duties;
- (9) The right to work. The possibility of introducing compulsory labor for able-bodied persons not involved in work in the field of defense and livelihoods and not reserved for enterprises, institutions, and organizations for the period of martial law to perform work of a defensive nature, and also to eliminate the consequences of emergencies that arise during martial law, and to involve them in martial law in socially useful work meet the needs of the Armed Forces of Ukraine, other military formations, law enforcement agencies, and civil defense forces, ensuring the functioning of the national economy and systems of life support of the population and do not require, as a rule, special professional training of persons.⁴⁰ Employees involved in the performance of socially useful work, for the time of such work, retain their previous jobs (positions) and remuneration.⁴¹ However, it is prohibited to involve young people under the age of 16, women with children under three years of age, and pregnant women.
- (10) The right to strike. Strikes, mass gatherings and rallies under martial law are prohibited, as well as holding peaceful assemblies, rallies, marches and demonstrations, other mass events.
- (11) The right for education. There is no direct prohibition on exercising such a right in the law, but the restriction is the temporary suspension of the state's obligation to provide access to preschool, full general secondary, vocational, higher education in state and municipal educational institutions, etc., precisely because of martial law.
- (12) The imposition of martial law cannot be grounds for torture, cruel or degrading treatment, or punishment. Any attempt to use martial law to seize power entails responsibility.⁴² Part 2 of Art. 64 of the CU stipulates that in conditions of martial law or state of emergency, certain restrictions on rights and freedoms may be established, indicating the term of these restrictions. It should be noted⁴³ that may not be restricted rights and freedoms of all citizens: a) equality of constitutional rights and

⁴⁰ About the statement of the Order of attraction of able-bodied persons to socially useful works in the conditions of martial law, Resolution of the Cabinet of Ministers of Ukraine, (13.07.2011) no. no. 753

⁴¹ About approval of the standard plan of introduction and maintenance of measures of a legal mode of martial law in Ukraine or in its separate localities, 2015.

⁴² Art. 22 of law no. no. 389–VIII.

⁴³ Part 2 of Art. 20 of the law On the legal regime of martial law

freedoms and equality before the law; b) prohibition of deprivation of nationality and the right to change nationality; c) the inalienable right to life; d) the right to dignity; e) the right to liberty and security; f) the right to housing; g) equal rights and the responsibilities of the spouses in marriage and the family, and equal rights of the child; h) the right to judicial protection; etc.

Thus, Ukraine *de facto* opposes the organized armed struggle of the aggressor—the Russian Federation, though the latter aggressively denies this fact and deliberately avoids using this term at political and diplomatic levels. Today, military experts are in favor of the imposition of martial law in the Donbass, where hostilities continue, noting that without the imposition of martial law it is difficult to control the rear. In case of martial law in certain areas of Ukraine in the rest of Ukraine, a state of emergency is subject to imposition.

3. Legal regulation of the emergency situation and the state of emergency

3.1. The concept and features of the emergency situation

We can talk about the regime of emergency situation (*nadzvychnoyi sytuatsiyi*) when there are certain restrictions and prohibitions, but the state of emergency is not declared. The emergency situation is introduced on the territory of Ukraine or certain regions by the decision of the Cabinet of Ministers, and is introduced when normal living conditions are violated in a country or region: during human-caused disasters, natural disasters or epidemics, i.e., introduced during emergency situations with serious consequences being forecasted.⁴⁴ The rules of emergency legislation are not limited to the function of specifying and detailing general legal norms. For the most part, they formulate mandatory government regulations.⁴⁵

Thus, an emergency situation is a situation in a particular area or business entity, which is characterized by a violation of normal living conditions caused by a catastrophe, accident, fire, natural disaster, epidemic, epizootic, epiphytosis, use of a means of destruction or other dangerous event that caused or may lead to a threat to life or health of the population, a large number of deaths and injuries, significant material damage, as well as the impossibility of

⁴⁴ Article 14, Code of Civil Protection of Ukraine (2012)

⁴⁵ Voronina, 2018, p. 11.

living or conducting business in such an area or facility, conducting business on it⁴⁶—for example, the Chernobyl accident caused a drastic change in the lives of 300 thousand people.⁴⁷

It should be noted that the authorities organize several things during the emergency situation: informing the population; continuous control over the development of the emergency situation and monitoring of the epidemic situation; identification of patients and contacts, their isolations and hospitalizations; quarantine regimes, including: ban on mass events; restriction of passenger traffic, closing of borders; designates the supervisor or headquarters responsible for the elimination of the accident, and such headquarters has the right to directly involve any government agencies and forces to overcome the emergency, and may evacuate the population living in the emergency zone.

Also, separately during the emergency situation, authorities organize the suspension of the activities of economic entities located in the emergency zone and the restriction of access of the population to such a zone; the complex of sanitary and hygienic anti-epidemic and medical measures; disinfection of objects and territories, and the special treatment of equipment; enhanced protection of public order; patrolling dangerous objects; attracting the necessary forces and means, and ensuring the work of medical and anti-epidemiological institutions.

According to Art. 71 of the Civil Protection Code,⁴⁸ to coordinate the actions of public authorities and local governments, government agencies and civil defense forces, as well as organized and planned implementation of a set of measures and works to eliminate the consequences of emergencies: 1) emergency management points and centers are used; 2) special commissions for emergency response are formed; 3) emergency response managers are appointed. The emergency response manager is appointed to directly manage emergency and other emergency operations in the event of any emergency; 4) emergency response headquarters are formed; 5) the need for civil defense forces is determined; and 6) civil defense forces are involved in the elimination of the consequences of the emergency situation.

An emergency situation is not as severe as a state of emergency. For example, the state of emergency in Donbass was introduced within the legal framework and can serve as a transitional period to a state of emergency: in case of certain military events or if there is a threat to the constitutional order.

Thus, the measures applied during a state of emergency are different from those of a state of emergency, they are less severe.

46 Code of Civil Protection of Ukraine (2012); Basov, 2014, p. 95.

47 Basov, 2014, p. 95.

48 Code of Civil Protection of Ukraine (2012)

3.2. *Emergency situation with COVID-19 in Ukraine*

In case of danger of spreading infectious diseases of people of a certain territory or in settlements, the authorities apply legal measures, which constitute an extreme legal regime of the relevant emergency situation.⁴⁹ Due to the spread of the COVID-19 caused by SARS-CoV-2 in Ukraine, there was established an emergency situation for a single state system of civil protection throughout Ukraine from March 25, 2020 to April 30, 2021, to ensure the sanitary and epidemic well-being of the population in accordance with Art. 14 and part two of Art. 78 of the Civil Protection Code of Ukraine.⁵⁰

The Law of Ukraine⁵¹ determines the legal, organizational, and financial basis of the executive authorities, local governments, enterprises, institutions and organizations aimed at preventing the spread of infectious human diseases, localization and elimination of their outbreaks and epidemics, establishes the rights, duties and responsibilities of legal and of individuals in the field of protection of the population from infectious diseases.

Quarantine is established and revoked by the CMU; the decision to establish quarantine indicates the circumstances that led to it, determines the boundaries of the quarantine area, approves the necessary preventive, anti-epidemic, and other measures, their executors and deadlines, sets temporary restrictions on the rights of individuals and legal entities, had additional responsibilities assigned to them, established grounds and procedures for mandatory self-isolation, stay of a person in the observatory (observation), hospitalization in temporary healthcare facilities (specialized hospitals). Quarantine is established for the period necessary to eliminate an epidemic or outbreak of a particularly dangerous infectious disease. During this period, the modes of operation of enterprises, institutions, and organizations may change, other necessary changes may be made regarding the conditions of their production and other activities.

At the request of the relevant chief state sanitary doctor executive authorities and local self-government bodies establish restrictive anti-epidemic measures in case of an outbreak of an infectious disease or an unfavorable epidemic situation in a separate locality, children's, educational or health-improving institution. Restrictions are subject to those types of economic and other activities that may contribute to the spread of infectious diseases.⁵²

49 On ensuring the sanitary and epidemiological well-being of the population (February 24, 1994), no. 4004-XII

50 About transfer of the uniform state system of civil protection in an emergency mode (March 25, 2020) no. 338-p.

51 On protection of the population from infectious diseases (April 06, 2000), no. 1645-III

52 On protection of the population from infectious diseases (2000)

For example, on March 11, 2020, the Resolution of the CMU no. 211 was adopted⁵³, which, in accordance with art. 29 of the Law On protection of the population from infectious diseases. From March 12 to April 3, 2020 throughout quarantine was established on the territory of Ukraine⁵⁴.

July 22, 2020 Resolution no. 641,⁵⁵ established that in order to prevent the spread in Ukraine of acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2, from August 1 to October 31, 2020 in the Autonomous Republic of Crimea, Vinnytsia, Volyn, Dnipropetrovsk, Donetsk, Zhytomyr Zakarpattia, Zaporizhia, Ivano-Frankivsk, Kirovohrad, Kyiv, Luhansk, Lviv, Mykolayiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytsky, Cherkasy, Chernivtsi, Chernihiv regions, Kyiv, further Seva regions) to extend the quarantine established by the resolutions of the CMU on the whole territory of Ukraine.⁵⁶

Depending on the epidemiological situation, all regions will be divided into several zones: green, yellow, orange, and red according to the level of epidemic danger of COVID-19 spread. Adaptive quarantine in Ukraine came into force on February 24, 2021.

Despite the fact that a state of emergency has not been declared in Ukraine, many of the provisions of this regime have already been imposed as part of a quarantine ban called the red zone. The red zone prohibits (and the green, yellow, and orange zones have restrictions on) public transport; visiting educational institutions (except for kindergarten and first grade); shopping malls, cafés, and restaurants; cinemas, theaters, gyms, marketplaces, etc. However, banks, pharmacies, gas stations, veterinary shops, and all grocery stores are allowed to operate.

Interestingly, Resolution 641 does not prohibit the conduct of an election campaign. The Electoral Code of Ukraine stipulates that in the event of martial law or a state of emergency in Ukraine or in certain localities, the election process of national elections and/or the election process of relevant local elections held in these territories or parts thereof shall be terminated by a relevant presidential decree.

For example, in the court decision, the claim of the candidate to the South Ukrainian city council of the Nikolaev area, the head of works on liquidation of consequences of a medical

53 On prevention of the spread on the territory of Ukraine of the acute respiratory disease COVID-19 caused by the coronavirus SARS-CoV-2, Resolution of the Cabinet of Ministers of Ukraine (March 11, 2020) no. 211.

54 On prevention of the spread of acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2 on the territory of Ukraine, Resolution of the Cabinet of Ministers (May 20, 2020) no. 392.

55 On the establishment of quarantine and the introduction of enhanced anti-epidemic measures in the area with a significant spread of acute respiratory disease COVID-19. caused by coronavirus SARS-CoV-2, Resolution of the Cabinet of Ministers (July 22, 2020), no. 641.

56 On prevention of the spread of acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2 on the territory of Ukraine, (2020) and on the establishment of quarantine in order to prevent the spread of acute respiratory disease COVID-19 caused by the coronavirus SARS-CoV-2 (2020)

and biological emergency of the natural character connected with distribution of COVID-19 in the city of Yuzhnoukrainskaya recognized as illegal and revoked the order of the head of work to eliminate the consequences of medical and biological emergencies of a natural nature related to the spread of coronavirus COVID-19 in the city of Yuzhnoukrainska.⁵⁷

According to the resolution of the CMU,⁵⁸ the level of epidemic danger is determined based on the assessment of epidemic indicators and approved by the decision of the State Commission on Technogenic and Ecological Safety and Emergencies every seven days. The decision to reduce the red, orange and yellow levels of epidemic danger may not be reviewed earlier than 14 days from the date of determination of such level of epidemic danger.

Business entities are also recommended to adjust their work schedule during the quarantine period. Postpone the start of the business day to 10 or later for businesses operating in wholesale and retail trade; repair of motor vehicles and motorcycles; postal and courier activities; temporary accommodation and catering; insurance activities; education; social assistance; arts, sports, entertainment, and recreation.

In addition, local governments develop or adjust public transport routes taking into account the changed work schedules.

In order to reduce the spread of COVID-19, the VRU amended the Code of Ukraine on Administrative Offenses⁵⁹ Art. 44-3, “Violation of rules on quarantine of people”: violation of rules on quarantine of people, sanitary and hygienic, sanitary and anti-epidemic rules and norms provided by the Law of Ukraine; “On protection of the population from infectious diseases,” other legislative acts and decisions of local authorities self-government on the fight against infectious diseases—entails the imposition of a fine on citizens from 17 to 34,000 hryvnia (0.55 cents to €1,093) and officials—from 34 to 170,000 hryvnia (1.09 cents to €5,462). And staying in public buildings, structures, public transport during quarantine without wearing personal protective equipment, including respirators or protective masks that cover the nose and mouth, including self-made—entails a fine of 170 to 255 hryvnia (€6 to €8).⁶⁰ There have been many lawsuits for violation of the rules for wearing personal protective equipment (masks), the courts have both satisfied⁶¹ and refused⁶² lawsuits.

57 Case no. 400/4461/20 <https://reyestr.court.gov.ua/Review/92158402> (Accessed: 15 June 2021)

58 On the establishment of quarantine and the introduction of enhanced anti-epidemic measures in the territory with a significant spread of acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2: Resolution of the Cabinet of Ministers of Ukraine, (2020)

59 Code of Ukraine on Administrative Offenses (December 7, 1984), no. 8073-X.

60 The tax-free minimum income of citizens is 17 UAH.

61 Case no. 708/48/21 <https://reyestr.court.gov.ua/Review/94299847>; case no. 344/17508/20 <https://reyestr.court.gov.ua/Review/94669931> (Accessed: 15 June 2021)

62 Case no. 746/559/20 <https://reyestr.court.gov.ua/Review/94686459>; case no. 594/179/21 <https://reyestr.court.gov.ua/Review/95484318> (Accessed: 15 June 2021)

It should be noted that violation of the rules and regulations established to prevent epidemic and other infectious diseases, as well as mass non-communicable diseases (poisoning) and control them, if such actions have caused or may have caused the spread of these diseases, is punishable by a fine of 1,000 up to 3,000 non-taxable minimum incomes (*UAH* 17-54 thousand) or arrest for up to six months, or restriction of liberty for up to three years, or imprisonment for the same period. The same acts, if they have caused death or other serious consequences, are punishable by imprisonment for a term of five to eight years.

But unfortunately, the population does not comply with quarantine measures, and the authorities only give a verbal warning to not contribute to the improvement of the situation in Ukraine—e.g., the court rejected the claim of the Ivano-Frankivsk City Council, which filed an administrative lawsuit with the Regional Commission for Technogenic and Ecological Safety and Emergencies of the Ivano-Frankivsk Regional State Administration, requesting the court to declare the defendant's protocol illegal and invalid no. 43 from August 28, 2020, noting that the introduction of the city of Ivano-Frankivsk to the “red” level of epidemic danger, has the effect of restricting rights and freedoms, including the right to respect for private life, the right to free movement and the right to peaceful property ownership.⁶³

During the quarantine established by the CMU to prevent the spread of COVID-19, the court at the request of the parties and persons who did not participate in the case, if the court decides on their rights, interests and/or obligations (if they have the right to perform the relevant procedural actions provided by the Civil Procedural Code of Ukraine), renews the procedural deadlines, if it recognizes the reasons for their omission valid and due to restrictions imposed in connection with the quarantine to determine an additional period to accept the inheritance to satisfy in full.⁶⁴

Restriction of certain rights is appropriate in a coronavirus pandemic. In particular, restricting the right to hold rallies and gatherings can prevent the spread of the virus, as large crowds threaten the spread of SARS-CoV-2.

Ukraine, in accordance with the International Covenant on Civil and Political Rights, in the event of a state of emergency, immediately after its imposition, shall notify, through the secretary-general of the United Nations, the state parties to the covenant of restrictions on human rights and freedoms, of citizens who are deviations from the obligations under the International Covenant, and the purpose of these deviations, and the reasons for such a

⁶³ Case court, <https://reyestr.court.gov.ua/Review/93297300> (Accessed: 15 June 2021)

⁶⁴ Case court no. 2/304/877/20 (Accessed: 15 June 2021)

decision.⁶⁵ For example, the court decision confirmed that due to restrictions, a person, due to the need to comply with quarantine restrictions and prevent the spread of COVID-19, made it impossible for the plaintiff to apply for inheritance in a timely manner and extended the term for another six months.⁶⁶

In Ukraine, observation is possible—a person will be in a hospital or other institution designated by the local authorities as an observer. With self-isolation, a person determines where one plans to stay for 14 days. Persons aged 60 and older are subject to self-isolation. When crossing the border, a person agrees to self-isolation, and they need to download and register in the mobile electronic service “At Home” and follow the rules of self-isolation. If you refuse to install the mobile application “At Home,” the person will be taken to a place of mandatory observation. It should be noted that those people who have twice violated the conditions of self-isolation must be observed in places designated by local authorities. Self-isolation can be curtailed after receiving a negative PCR test result; or after receiving a negative result of the rapid antigen test, conducted after crossing the checkpoints of entry into and exit from the temporarily occupied territories.

In other words, the restriction of the rights of individuals and legal entities for the period of quarantine may be established by a decision of the CMU.

Regarding the introduction of additional measures: the introduction of curfew; checking the documents of citizens, and if necessary, conducting a personal inspection; inspection of things, vehicles, luggage and cargo, office space, and housing of citizens; prohibitions on conscripts and conscripts to change their place of residence without the knowledge of the relevant military commissariat; restriction or temporary prohibition of the sale of weapons, poisonous and potent chemicals, as well as alcoholic beverages and substances produced on the basis of alcohol; temporary seizure of registered firearms and ammunition and ammunition from citizens, and from military enterprises.

It is believed that in contrast to an emergency situation the legal regime of the state of emergency can be an effective tool against the coronavirus pandemic, as it expands the powers of public authorities, which can directly help in combating not only the pandemic but also other emergencies, natural or of human origin. The restriction of human and civil rights and freedoms are disadvantages.⁶⁷ The imposition of a threat to the internal security of the state is carried out by introducing a legal state of emergency.

⁶⁵ The International Covenant on Civil and Political Rights was ratified by the Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR (October 19, 1973), no. 2148-VIII.

⁶⁶ Case court no. 452/2393/20 <https://reyestr.court.gov.ua/Review/92211193> (Accessed: 15 June 2021)

⁶⁷ Tsyupka, 2020, p. 98.

3.3. Fiscal and monetary policy measures due to COVID-19 in Ukraine

In 2020, one of the main factors influencing economic processes was the spread of the COVID-19 pandemic. In Ukraine, there are 222 anti-crisis measures in the economic policy to combat the pandemic and ensure sustainable economic growth for two years, such as placing the regime of self-isolation at the discretion of one's doctor in cases of temporary disability; formation of a state fund to attract foreign direct investment in the development of small and medium-sized businesses; the application of non-financial measures of state support of investment activity (providing methodological and consulting support, investor support, promotion, marketing, advertising), etc.⁶⁸ The following also is provided for the population: reduction of personal income tax rates during the period of forced self-isolation, non-application of penalties for late payment of utility bills, installment payments for 50% of utility bills for the period from March 2020 to December 2020, cancellation of interest payments for consumer loans for a quarantine period of at least six months, cancellation of payments of basic payments and interest on mortgage loans for a quarantine period of at least six months, etc. For businesses: abolition of fines and penalties for violating the terms of declaring and paying taxes during quarantine, providing direct financial assistance to legal entities, individuals, entrepreneurs, and self-employed persons in activities that have suffered most from the pandemic, tax holidays from the single tax, the land tax, and the property tax for the period of the quarantine, deferral without penalty for up to six months of payment of tax arrears, the decision to collect which was made before March 2, 2020, exemption of citizens-entrepreneurs from accrual and payment of single social contribution (SSC) for the period of quarantine, a moratorium on implementation of measures of state supervision (control), tax inspections, etc.⁶⁹.

However, setting priorities for supporting fields/sectors of the economy, the program does not provide a clear definition of the planned amount of financial resources needed for its implementation, which limits the ability of businesses to clearly perceive the receipt of state financial support and planning their own activities. The adoption of the state budget for 2021 provided for the allocation of funds to combat the effects of coronavirus crisis directly to individual budget managers (measures related to vaccination and medical insurance, to combat the effects of coronavirus in schools, etc.). According to the Ministry of Finance of

68 On the Resolution of the State Program of Economic Stimulation to Overcome the Negative Consequences Caused by Restrictive Measures to Prevent the Occurrence and Spread of Acute Respiratory Disease COVID-19 Caused by SARS-CoV-2 Coronavirus for 2020–2022, Resolution of the Cabinet of Ministers of Ukraine, (27.05.2020) no. 534.

69 A comprehensive package of national anti-crisis measures (2020), pp. 32–40.

Ukraine, as of December 31, 2020, UAH 63.7 billion (89%) was used from the Fund for Combating COVID-19.

The economy and the social sphere proved to be the most vulnerable to the consequences of the COVID-2019 pandemic and the crisis caused by it. Governments are trying to mitigate the negative effects of the coronavirus crisis and restore macroeconomic stability through economic policy measures, primarily fiscal and monetary.

Measures of economic policy to counteract the coronavirus crisis and restore macroeconomic stability in Ukraine:

Fiscal policy measures	Monetary policy measures
Direct support of farms	Reduction of the refinancing rate
Indirect support of farms	Narrowing the interest rate corridor
Wage subsidies	Changes in reserve requirements
Tax reductions and/or tax benefits	Pledges
Installment of tax debt	Transactions with longer maturity
Credit subsidies/guarantees	Frequency of operations

Table 11
Fiscal and monetary policy measures in Ukraine
Source: Author's compilation

Regarding the Ukrainian experience of using fiscal and monetary policy measures to mitigate the effects of the COVID-2019 pandemic and its coronavirus crisis, the following should be noted. First, the government and regulators are quite active in using economic policy measures in comparison with other countries—both developed and developing ones. Experts acknowledge that the potential for intensive easing of monetary policy in the country is almost exhausted. Second, it is expedient to compare the strength of the influence of fiscal and monetary policy instruments in domestic realities. For the first time in many years, Ukraine's monetary and banking systems proved stable and did not collapse during the crisis. This is due to changes in approaches to monetary policy, the choice of a new monetary regime, strengthening the independence of the National Bank of Ukraine (NBU), etc., during 2014–2019. Even during the current crisis, the National Bank is cautious and committed to macroeconomic stability, rejecting the possibility of using quantitative easing even under political pressure. At the same time, Ukrainian fiscal policy has proved to be weaker than domestic monetary policy, and it concerns a rather limited amount of fiscal stimulus aimed at mitigating the effects of the current crisis—only 2.3% of GDP. The process of restoring the macroeconomic stability disrupted by the COVID-2019 pandemic is likely to be lengthy. Return to pre-crisis levels of GDP will take at least a year. The same amount or more time will

be spent on achieving pre-crisis unemployment and economic growth. The probable duration of recovery depends, first of all, on the strength of a particular national economy and the effectiveness of economic policy measures used.⁷⁰

Thus, fiscal policy measures are aimed primarily at expanding social protection and providing tax and other benefits to all businesses.

In terms of economic indicators, they reflect the depth of the current crisis in Ukraine, namely 7.2% reduction in GDP and 11% growth in unemployment. This is due to the fact that Ukraine is traditionally more vulnerable to economic shocks, and its anti-crisis capabilities are quite modest. The reason is a weak economy, limited financial resources, high dependence on IMF loans, incomplete key reforms, political instability, and so on. However, in the case of coordinated fiscal and monetary policies, as well as the successful implementation of the first stage of vaccination, the second half of 2021 may be marked by partial macroeconomic stabilization. There are two main strategies for combating the spread of the COVID-2019 pandemic and restoring macroeconomic stability: the first strategy is a strategy of severe restrictions. It provides for the introduction of a full lockdown, namely the closure or transition to remote work of all enterprises and institutions whose activities are not critical to ensure the continuity of the country, and limiting business operations only to supermarkets, pharmacies, and strategic enterprises. The second strategy is a soft restraint strategy. Its application involves compliance with social distancing, the prohibition of mass events, the introduction of anti-epidemic measures at enterprises and institutions that work in real time.

The Ministry of Finance of Ukraine in its analytical materials on the disclosure of information on fiscal risks⁷¹ notes that identifying fiscal risks and improving management practices to take into account their impact on budget indicators and taking minimization measures is an important way to increase the sustainability of public finances, ensure macroeconomic stability and the full and timely financing of key government obligations.

In Ukraine, the Ministry of Finance is developing a specific list of measures to reduce specific risks. However, in some sections, these measures are quite general and can be used only as a guide for fiscal policy development. In fact, Ukraine does not use fiscal mechanisms to minimize the negative impact of fiscal risks caused by macroeconomic changes, similar to those operating in the EU.⁷²

High scores for 2020 were given to four internal risks associated with the COVID-19 pandemic: 1) significant unemployment due to the return of workers, mass layoffs; 2) mass

70 Krasota and Yarovoy, 2021, p. 2.

71 Ministry of Finance of Ukraine (2020)

72 Kozoriz, 2020, p. 79.

bankruptcy of medium and small businesses; 3) acceleration of inflation; 4) the exponential spread of COVID-19, and the failure of the medical system to stop the pandemic in Ukraine.⁷³

Several fiscal and monetary incentives aimed at preserving jobs, incomes, direct subsidies to the poor, etc., were introduced, which together had a positive impact on both the supply and demand side. Meanwhile, even such rational and effective measures could only slightly mitigate the negative effects of coronavirus shock.

The pandemic significantly deepened the imbalance in the financial, budgetary and socioeconomic spheres, which is currently characterized by large external debt (UAH 1,387,805 million); and significant additional social obligations undertaken by the state regarding additional payments to pensions, unemployment benefits, support for individual entrepreneurs, etc. In the budget structure, the share of expenditures on social protection and social security is 31.39% (UAH 76,758.2 million).⁷⁴

In Ukraine, due to the COVID-19 crisis, the the rate of investment is declining. Investors, trying to minimize risks, liquidate their positions in local assets and transfer funds to other countries and safer assets. The key areas on which incentives should be focused are innovative investments to ensure a breakthrough scenario for the development of leading sectors of the economy; support for innovative enterprises and modern forms of integration of science and production (including technology parks); providing preferential operating conditions for newly created businesses, especially small and medium-sized businesses; and the formation of favorable conditions for foreign investors.⁷⁵

The innovations introduced by the Law of Ukraine⁷⁶ are an additional normative basis, to which business entities can refer as a basis for the non-fulfillment of obligations and to simplify the procedure for recognizing such circumstances as force majeure. However, simply the existence of quarantine as a special circumstance of life in the country or region is not force majeure, the person must prove the impossibility of fulfilling the obligations under the terms of the contract, namely quarantine.⁷⁷

They note that it is advisable to develop an Economic Recovery Program for 2021–2025, which will complement the existing key strategies and programs of socioeconomic development of Ukraine (education and culture, tourism, hotel and restaurant business, retail, transport, etc.).⁷⁸

73 Ukraine: The Impact of COVID-19 on the Economy and Society, 2020, p. 39.

74 Dragan et al., 2020, p. 8.

75 Dragan et al., 2020, pp. 16-17.

76 On Amendments to Certain Legislative Acts of Ukraine Aimed at Preventing the Occurrence and Spread of Coronavirus Disease (COVID-19) (17.03.2020) no. 530-IX.

77 Zakirova, 2020, pp. 4–10.

78 Bazuljuk et al., 2021, pp. 5–6.

In 2021, Ukraine will be able to count on only minor positive changes, even if a sustained global acceleration is launched. Another economic shock in the short term, Ukraine will be able to avoid. Ukraine's economy in 2020 reached a "stable" low economic dynamic. Thus, in 11 months (cumulatively, since the beginning of the year) there have been declines in industry by more than 7%; in freight turnover, by more than 15%; and in the agricultural sector, by more than 13%.⁷⁹

3.4. The concept of a state of emergency in Ukraine

The institution of state of emergency (*nadzvychnyy stan*), as an important element of the state and legal system of Ukraine, is a mandatory component of the national security system of the state. As a means and guarantor of neutralization of emergencies of social, natural, and natural and human-caused disasters, the state of emergency is an instrument that protects the political, economic, and social rights and freedoms of citizens during the introduction of the necessary prohibitions and temporary restrictions.⁸⁰

The term "state of emergency" is usually used in two senses: 1) it corresponds to the English term "emergency," which is interpreted as a sudden or unexpected event that requires immediate action (synonyms: exigency), critical condition (pass), crisis; 2) it corresponds to the international term "a state emergency," which means a state of emergency.⁸¹ "State of emergency" is defined by the legislator as a special legal regime that may be temporarily introduced in Ukraine or in certain localities during emergencies of human or natural origin, whether they could lead to human and material losses, endanger the lives and health of citizens, or in the event of an attempt to seize state power or change the constitutional order of Ukraine by force, and provide the relevant state authorities, military command, and local authorities with the necessary powers to prevent threats and ensure the safety and health of citizens, the normal functioning of the national economy, public authorities and local governments, and the protection of the constitutional order. It also allows temporary, threat-based restrictions on the exercise of constitutional rights and freedoms of a citizen and the rights and legitimate interests of legal entities, indicating the term of these restrictions.⁸² A state of emergency is declared in the presence of a real threat to the security of citizens or the constitutional order of the country, the elimination of which is impossible in other ways.

⁷⁹ Yurchishin, 2021, p. 105.

⁸⁰ Kovalev et al., p. 187.

⁸¹ Kuznichenko and Alexandrovich, 2011, p. 54.

⁸² On the legal regime of the state of emergency (March 16, 2000). no. 1550-III.

In accordance with paragraph 21 of Art. 106 of the CU, the imposition of a state of emergency, if necessary, is approved by a decree of the PU in Ukraine or in certain localities and approved by the VRU within two days from the moment of the address of the PU. Under conditions requiring immediate measures to rescue the population or prevent the death of a person, a state of emergency may be imposed without warning. The state of emergency in Ukraine or in certain localities may be cancelled by the decree of the PU earlier than the term for which it was imposed, in case of elimination of the circumstances that necessitated the imposition of a state of emergency. Since the state of emergency in Ukraine has a clearly defined period of validity in the legislation, after the expiration of such a period, if the regime has not been extended according to the established procedure, it is automatically cancelled.

In Ukraine, a state of emergency may be imposed in the case of:

- 1) the emergence of particularly severe emergencies of a human or natural character (natural disasters, catastrophes, especially large fires, the use of means of destruction, pandemics, panzootic, etc.) that threaten the lives and health of large sections of the population;
- 2) the occurrence of mass terrorist acts, accompanied by the death of people or the destruction of particularly important livelihoods;
- 3) the occurrence of interethnic and interfaith conflicts, blocking or seizing certain particularly important objects or areas that threaten the safety of citizens and violate normal activities of public authorities and local governments;
- 4) the occurrence of mass riots, accompanied by violence against citizens, restricting their rights and freedoms;
- 5) attempts to seize state power or change the constitutional order of Ukraine through violence
- 6) mass crossings of the state border from the territory of neighboring states; and
- 7) the need to restore the constitution's law and order and the activities of public authorities.

Executive bodies and local self-government bodies in cooperation with the relevant military command during the state of emergency shall take measures and ensure control over the observance of public order, ensuring the constitutional rights and freedoms of citizens, their security, and the protection of state interests in the relevant territories.

The following measures may be introduced during a state of emergency:

- 1) the establishment of a special regime of entry and exit, as well as restrictions on freedom of movement in the territory where the state of emergency is imposed;
- 2) restrictions on the movement of vehicles and their inspection;

- 3) strengthening public order and facilities that ensure the livelihood of the population and the national economy;
- 4) prohibition of mass events, except for events prohibited by the court;
- 5) prohibition of strikes; or
- 6) forced alienation or seizure of property from legal entities and individuals.

It is noted that the forcible seizure or alienation of property from citizens is related to the illegality of actions, as it can lead to unauthorized seizure.⁸³

Additional measures of the state of emergency in connection with emergencies of man-caused or natural nature:

- 1) temporary or irreversible evacuation of people from places dangerous to living, with the obligatory provision of stationary or temporary housing;
- 1) rescue formations and military units involved in overcoming emergencies;
- 2) temporary ban on construction of new, expansion of existing enterprises and other facilities whose activities are not related to the elimination of emergencies or livelihoods and emergency
- 3) the establishment of quarantine and other mandatory sanitary and anti-epidemic measures;
- 4) the introduction of a special procedure for the distribution of food and basic necessities;
- 5) mobilization and use of resources of enterprises, institutions, and organizations, regardless of ownership, to avert danger and eliminate, etc.

To eliminate natural disasters or catastrophes in peacetime, targeted mobilization may be carried out, the scope and timing of which are determined by the decree of the PU on the imposition of a state of emergency, temporarily transfer, or involvement on a voluntary basis of the able-bodied population and vehicles of citizens to perform these works with the permission of the relevant head of rescue operations and subject to mandatory occupational safety is allowed. The involvement of minors and pregnant women in work that may adversely affect their health is prohibited.

Additional measures of the legal regime of the state of emergency in connection with mass violations of public order:

- 1) introduction of curfew (ban on being on the streets and in other public places without specially issued permits and identity cards at set hours of the day);

⁸³ Yezersky, 2015, p. 135.

- 2) checking documents of citizens, and if necessary, conducting a personal examination, inspection things, vehicles, luggage and cargo, office space, and housing of citizens;
- 3) prohibition of conscripts, and conscripts to change their place of residence without the knowledge of the relevant military commissariat; poisonous and potent chemicals, as well as alcoholic beverages and substances produced on the basis of alcohol;
- 4) temporary seizure of registered firearms and ammunition, military training equipment, explosives, radioactive substances and materials, toxic, and potent chemicals;
- 5) ban on the production and distribution of information materials, etc.

In a state of emergency, the following is also prohibited:

- change of the CU;
- change of election laws;
- holding of elections of the PU, as well as elections and local self-government bodies;
- holding of all-Ukrainian and local referendums;
- restriction of the rights and powers of people's deputies of Ukraine.

The term of office of the representative bodies of local self-government and the VRU shall be extended for the period of the state of emergency. During the imposition of a state of emergency, compensation is made for damages caused to persons who have lost their homes in connection with circumstances related to the state of emergency, including the work to prevent or eliminate them, in accordance with the law provided housing; persons who have suffered from emergencies, including during emergency rescue operations, are reimbursed for material damage and other necessary assistance is provided on the terms and in the manner prescribed by law; legal entities whose property and resources were used to prevent or eliminate the situations that caused the imposition of a state of emergency shall be reimbursed their full value in the manner prescribed by law. If the property, which was forcibly alienated from legal entities and individuals, is preserved after the abolition of the legal regime of the state of emergency, the former owner or his or her authorized representative has the right to demand the return of such property in court or to demand its replacement.⁸⁴

The introduction of a special legal regime of the state of emergency on the territory of Ukraine is to restrict certain constitutional rights and freedoms of citizens, to establish certain measures aimed at overcoming emergencies in the sociopolitical sphere of society, and guarantees protection of political, economic, and social rights.⁸⁵

⁸⁴ Voronina, 2015, p. 97.

⁸⁵ Shkurska, 2020, p. 326.

EMERGENCY POWERS IN CENTRAL AND EASTERN EUROPE

	Emergency situation	State of emergency
Concepts and types	<p>An emergency situation is a situation on a separate territory (or business entity, water body, etc.), which is characterized by violation of normal living conditions of the population.</p> <p>Its causes can be a catastrophe, accident, fire, natural disaster, epidemic, epizootic (widespread animal disease), epiphytosis (spread of infectious plant diseases over a large area), use of means of destruction, or other dangerous events.</p> <p>Typically, such circumstances lead to a threat to life or health, a large number of deaths and victims, the task of significant material damage, as well as the impossibility of living in such an area or facility (or carrying out economic activities there).</p> <p>Emergency situations can be of four types: human-created, natural, social, or military. Depending on the consequences of the situation and the resources needed to eliminate it, in Ukraine there are four levels of emergency situations:</p> <ul style="list-style-type: none"> – state – regional – local – over separate objects. <p>Due to the COVID-19 outbreak, a state of emergency has already been declared in several regions of Ukraine.</p>	<p>A state of emergency is a special legal regime that may be temporarily introduced in Ukraine or in certain localities thereof, and gives the relevant state authorities, military commands and local self-government bodies in Ukraine the special powers necessary for:</p> <ul style="list-style-type: none"> prevention of threats and ensuring the safety and health of citizens, normal functioning of the national economy, public authorities and local governments, and protection of the constitutional order. <p>The reason for the introduction of a state of emergency may be:</p> <ul style="list-style-type: none"> the emergence of emergencies of human or natural occurrences not lower than the national level, which have led or may lead to human and material losses, pose a threat to life and health of citizens; an attempt to seize state power or change the constitutional order of Ukraine through violence.
Legal regulation	<p>The concept is defined by the Code of Civil Protection of Ukraine.</p>	<p>The state of emergency is regulated by the CU and the Law of Ukraine, “On the legal regime of the state of emergency.”</p>
Introduction	<p>To introduce an emergency situation, a decision of the CMU is required (Art. 14 of the Civil Protection Code).</p>	<p>To impose a state of emergency, it is first necessary to hold a meeting of the National Security and Defense Council (NSDC), which, accordingly, appeals to the president, the president signs the decree, and the <i>Verkhovna Rada</i> approves it.</p>

	Emergency situation	State of emergency
Restrictions	There are no such restrictions in an emergency situation. That is, the state of emergency is more aimed at the authorities to bring their activities in line with such conditions.	When a state of emergency is imposed, the rights of citizens in Ukraine are limited. This is a “temporary, threat-based restriction on the exercise of constitutional rights and freedoms of man and citizen and the rights and legitimate interests of legal entities, indicating the duration of these restrictions” (e.g., compulsory labor).
Terms	There are no such restrictions for an emergency situation.	A state of emergency may be imposed throughout Ukraine for no more than 30 days, and in some areas for no more than 60 days. The state of emergency may be extended by a decree of the PU, but not more than for 30 days and only after the repeated procedure of approval of such a decree in the <i>Verkhovna Rada</i> of Ukraine.

Table 12

Distinguishing between an emergency situation and a state of emergency In Ukraine

Source: Author's compilation

4. The environmental emergency zone regime

Environmental emergencies are situations that arise as a result of sudden natural disasters or human-created accidents and are accompanied by great damage. Characteristic features of these situations are high severity of manifestation, significant deviation of environmental indicators from the norm (exceeding the maximum allowable concentrations of pollutants in the hundreds, thousands and even tens of thousands of times); hurricane wind speed; flooding of residential areas (settlements); catastrophic mudflows, etc. Human-created and natural catastrophes are a direct source of threat to the life and health of the population. According to the UN, in most countries of the world natural and human-made disasters cause losses amounting to 2–4% in the world GNP. In Ukraine, only the annual costs of liquidation of the consequences of the Chernobyl catastrophe exceed 2% of the total gross domestic product. On the territory of Ukraine there are 15 operating units of nuclear power plants, 44 large energy facilities, more than 2,500 facilities that use toxic substances, a network of pipelines, including 830 km of ammonia pipeline, 6,000 km of oil pipelines, and 6,700 km of gas pipelines. Potentially dangerous objects include 19 metallurgical, 165 metal-working and machine-building plants, 216 factories and plants of chemical and light industry,

83 large railway junctions, seven hydroelectric power plants, and 74 thermal power plants. Almost 18 million people live in areas of probable contamination with potent toxic substances, and up to two million people in areas of possible catastrophic flooding.⁸⁶

In Ukraine, 140–150 human-caused accidents and catastrophes of regional and state importance occur annually. Their approximate structure is as follows: accidents with emissions of highly toxic substances—4%; fires and explosions—19.5%; traffic accidents—17.7%; accidents with life support systems—17.3%; accidents at radiation facilities—8.4%; accidents with communal systems and treatment facilities—17.3%; emergencies at other types of facilities—15.8%.⁸⁷

The zone of ecological emergency is a separate locality of Ukraine where an ecological emergency has arisen. Environmental emergency—an emergency situation in which a certain area has undergone negative changes in the natural environment that require the application of emergency measures by the state. Negative changes in the environment are the loss, depletion, or destruction of certain natural complexes and resources due to excessive pollution of the environment, the destructive effects of natural forces, and other factors that limit or exclude the possibility of human life and economic activity in these conditions.⁸⁸

In addition, the legal regime of the environmental emergency zone is also defined by the legislature as a special legal regime that can be temporarily introduced in certain areas in case of environmental emergencies, and is aimed at preventing human and material losses, preventing threats to life and health, and the elimination of negative consequences of ecological emergency.⁸⁹

The grounds for declaring a separate area an ecological emergency zone are:

- 1) significant exceeding of the maximum allowable norms of environmental quality indicators defined by the legislation;
- 2) the emergence of a real threat to the life and health of a large number of people or causing significant material damage to legal entities, individuals, or the environment due to excessive pollution of the environment, the destructive effects of natural forces or other factors;
- 3) negative changes that have occurred in the natural environment in a large area and which cannot be eliminated without the application of emergency measures by the state;

86 Koretsky, 2020, pp. 44–45.

87 Ecology and ecological problems in Ukraine: <https://infopedia.su/9xeb2a.html> (Accessed: 15 June 2021)

88 Article 1 of the Law On the zone of ecological emergency situation (July 13, 2000) no. 1908-III.

89 Article 8 of Law of On the zone of ecological emergency situation (2000)

- 4) negative changes that have occurred in the natural environment, which significantly limit or exclude the possibility of living and doing business in the relevant territory; and
- 5) a significant increase in the incidence of the population due to negative changes in the natural environment.⁹⁰

The specified list of signs of ecological damage of the territory is not exhaustive. Indirect or additional criteria may include: land degradation (natural or anthropogenic simplification of the landscape, deterioration, condition, useful properties, and functions of land and other organically related natural components, including waterlogging, flooding or, conversely, land drainage, etc.); destruction of forest complexes as a result of droughts, windbreaks, fires, or pests and diseases; the spread or exacerbation of particularly dangerous infectious diseases of the population, animals, the spread of pests among plants, etc.

It should be noted that one or another factor, source of environmental impact, as well as the effects of human-produced pollution or the destructive effects of natural forces determine the type of affected area and may be grounds for the introduction of a special legal regime.⁹¹

The legal regime of the environmental emergency zone is a special legal regime that can be temporarily introduced in certain areas in case of environmental emergencies, and is aimed at preventing human and material losses, preventing threats to life and health, and eliminating the negative consequences of environmental emergency situations. It is believed that the ecological emergency has a negative impact on the natural ecosystem, due to natural disasters, anthropogenic impacts, including the spread of viruses and dangerous strains, which threatens to change the normal state or destroy the environment, and directly harmful to the normal human life.⁹²

The introduction of the relevant legal regime of the environmental emergency zone provides for the allocation by the state and/or local governments of additional financial and other material resources sufficient to normalize the environmental situation and compensation, the introduction of a special regime of supplies for state needs, implementation of state targeted public works programs.

The most striking example of a zone of ecological emergency in the history of the Soviet Union, and Ukraine in particular, is the Chernobyl accident. For almost a month, the radiation level in Chernobyl was extraordinary. After the construction of the sarcophagus, the

⁹⁰ Article 5 of Law of On the zone of ecological emergency situation (2000)

⁹¹ Bredikhina, 2012, p. 280.

⁹² Kravchuk, 2018, p. 239.

emissions of radioactive elements decreased sharply, but the contamination by that time covered large areas. One of the most powerful factors influencing the radiological situation in Ukraine is the highly active contamination of the thirty-kilometer zone. Outside this territory, radioactive contamination of various levels (from 0.1 to ≥ 15 Ci/km²) affected agricultural land on an area of 4.6 million hectares, which is 12% of the total area of agricultural land in Ukraine. The biggest mistake of the administrative management during the Chernobyl catastrophe was the delayed issuance of a warning to the population about the possibility of infection.⁹³

The decision to establish the legal regime of the ecological emergency zone, in order to implement measures to normalize the environmental situation, may impose restrictions on certain activities by establishing a temporary ban on:

- 1) construction and operation of facilities that pose an increased environmental risk;
- 2) use in economic and other activities of particularly hazardous substances (chemical, radioactive, toxic, explosive, oxidizing, combustible, biological agents, etc.), plant protection products, the combination of properties and/or features of their condition may degrade the environmental the situation in this area;
- 3) operation of sanatoriums; and
- 4) carrying out any other activity that poses an increased environmental risk to humans, flora and fauna and other natural objects.

The change of the legal regime of the ecological emergency zone is carried out in compliance with the requirements established by Art. 6 of the Law. For example, on November 12, 2019, the community of Mariupol petitioned to recognize Mariupol as a zone of ecological emergency and to ensure the appropriate legal regime through systematic uncontrolled emissions by metallurgical enterprises of Metinvest in accordance with the CU and the Law of Ukraine “On the Emergency Zone” but was not accepted.

For example, the constitutional procedure of declaring certain areas an ecological emergency zone was first applied in November 1998 due to a catastrophic flood in the Zakarpattia region, which led to the destruction of a large number of building losses, a significant complication of the environmental situation. At that time, in order to ensure the safety of citizens, provide them with effective assistance and normalize the situation as soon as possible, the Decree of the PU of November 7, 1998, no. 1223/98 “On measures to eliminate the consequences of natural disasters in the Transcarpathian region” was adopted. environmental situation. This decree in accordance with paragraph 31 of Art. 85 of the CU was approved by

⁹³ Biryukova, 2010, p. 241.

the resolution of the Verkhovna Rada of Ukraine dated 10.11.1998 no. 242-XIV, "On approval of the decree of the President of Ukraine on measures to eliminate the consequences of natural disasters in the Transcarpathian region."⁹⁴ In 2001 the situation was repeated and Transcarpathia was declared a zone of ecological emergency.⁹⁵ It is not possible to determine the time of onset of natural disasters or human-created environmental incidents to avoid them in the future, there is a factor of suddenness. Rapid developments and significant destructive negative consequences are a characteristic feature of accidents, catastrophes, natural disasters that adversely affect the environment, environmental conditions of human life.⁹⁶

A feature of the legislation on the environmental emergency zone is its relationship with the legislation on civil protection. This applies primarily to the part of it (legislation on civil protection), which determines the organizational, financial, and other mechanisms for the implementation of legislation to eliminate the consequences of environmental emergencies. The legislation on civil protection provides for the classification of emergencies of human-caused and natural disasters, which covers all aspects of situations recognized as emergencies, including environmental; the order of organization of emergency rescue and other restoration works in case of natural disaster, accident, or catastrophe with dangerous ecological consequences; requirements for logistical and financial support of measures to eliminate the consequences of emergencies; conditions and procedures for the compensation of victims of natural disasters, accidents, and catastrophes, etc. These, as well as other aspects of the organization of measures to eliminate the consequences of environmental emergencies are regulated by numerous regulations adopted in accordance with the Civil Protection Code of Ukraine of October 2, 2012.⁹⁷

Ensuring the safety of the population in emergencies caused by natural disasters, human-created accidents and catastrophes, as well as the use of modern weapons (military emergencies), is a national task, one that is mandatory for all territorial and departmental authorities, services, formations, and sub objects of management.⁹⁸

The legal regime of the ecological emergency zone may be prematurely terminated by the PU at the proposal of the National Security and Defense Council of Ukraine or at the proposal of the CMU in case of elimination of circumstances that caused the declaration of a separate

94 On measures to eliminate the consequences of a natural disaster in the Transcarpathian region, Resolution of the Verkhovna Rada of Ukraine on Approval of the Decree of the PU (10.11.1998) no. 242-XIV

95 On declaring certain districts of the Zakarpattia region a zone of ecological emergency, decree of the PU (March 15, 2001), 882288-III.

96 Komarnytsky, 2002, p. 14.

97 Komarnytsky, 2018, p. 194.

98 Pazynych, Sitenko and Smirnova, 2018, p. 80.

zone as ecological emergency, for the normalization of the ecological situation on the territory of the ecological emergency zone.

Submissions of the CMU on the early termination of the legal regime of the ecological emergency zone are prepared, considering proposals of local governments and local executive bodies. With the early termination of the legal regime of the zone of ecological emergency, such territory is not considered a zone of ecological emergency.

5. Conclusions

All analyzed extreme regimes are implemented in the field of national security—it is their primary focus. All these regimes are enshrined in the relevant laws of Ukraine. These regimes are aimed at localizing and eliminating the negative factor. They are a legal support for the activities of the state in conditions of real or potential danger and are included in accordance with the intensity of the negative factor on society, which is now perceived in accordance with the laws of Ukraine as an emergency.⁹⁹

The Unified State System of Civil Protection (USSCP) of the population and territories was created to implement state policy aimed at ensuring the security and protection of the population and territories, material and cultural values, the environment from the negative effects of emergencies in peacetime and special periods. In emergencies of various kinds, it is necessary to use a regulatory impact other than that which operates under normal conditions. This restructuring of legal tools takes place with the help of extreme regimes, which in the science of administrative law are called a “special state.”

Martial law, a state of emergency and a regime of the zone of ecological emergency, according to the legislation of Ukraine, can be imposed by only one subject—the PU. In all three cases, the PU issues a relevant decree which is approved by the *Verkhovna Rada* of Ukraine, and immediately announced through the media and the civil defense notification system.

The provisions of the CU on the inadmissibility of restricting a number of human and civil rights and freedoms for the imposition of a state of emergency or martial law are based on the requirements of the International Covenant on Civil and Political Rights.

It should be noted that the main areas of crisis management at the level of the business entity are the constant monitoring of financial and economic conditions of the enterprise, the development of new management, financial, and marketing strategies, the reduction of fixed and variable costs, increasing productivity, attracting funding and strengthening staff

⁹⁹ Kuznichenko, 2011, p. 44.

motivation. Measures of regional or national level include the adjustment of financial, economic, social, scientific, and technical investment; foreign economic policy; the identification and forecasting of internal and external threats to economic stability; the development of a set of operational and strategic measures to overcome negative factors, strengthen control, law, and order, and compliance.

In the 20th century, Ukraine formed a developed industrial complex, which still accounts for a high share in the structure of the economy, covering all types of industrial production. However, the deindustrialization processes, which were initiated by the transformation crisis of 1992–1994 and continue to this day, have led to the destruction of a significant part of Ukraine's production potential and especially its high-tech component. This was largely due to the severance of cooperation with other republics of the USSR in the absence of a full cycle of production within Ukraine. Over the past two years, the decline in production has reached 21.8%, in particular due to hostilities in the east of the country and a decline in the presence of Ukrainian products in traditional markets. The share of industry in gross value added decreased from 25.6% in 2011 to 23.3% in 2015.¹⁰⁰

Supporting the global goals of sustainable development to 2030 proclaimed by the resolution of the United Nations General Assembly of September 25, 2015, no. 70/1 and the results of their adaptation taking into account the specifics of Ukraine's development set out in the national report "Sustainable Development Goals: Ukraine," ensure compliance goals of sustainable development of Ukraine for the period up to 2030: 1) overcoming poverty; 2) overcoming hunger, achieving food security, improving nutrition and promoting sustainable agricultural development; 3) ensuring a healthy lifestyle and promoting well-being for all at any age; 4) ensuring comprehensive and equitable quality education and encouraging lifelong learning opportunities for all; 5) ensuring sex equality, empowerment of all women and girls; 6) ensuring the availability and sustainable management of water resources and sanitation; 7) ensuring access to inexpensive, reliable, sustainable, and modern energy sources for all; 8) promoting progressive, inclusive and sustainable economic growth, full and productive employment and decent work for all; 9) creating a sustainable infrastructure, promoting inclusive and sustainable industrialization and innovation; 10) reduction of inequality; etc.¹⁰¹

Thus, in Ukraine special legal regimes are regulated at the legislative level in the form of codes or laws. Even in the current situation, Ukraine is not imposing a state of emergency to combat the COVID-19 epidemic or martial law in the east, to preserve and keep from restricting human rights.

¹⁰⁰ Sustainable Development Goals: Ukraine. National report (2020), p. 74.

¹⁰¹ On the Sustainable Development Goals of Ukraine for the Period up to 2030, Decree of the PU (September 30, 2019), no. 722/2019.

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