

## Legal And Economic Principles of Activity of Public Authorities Under the Legal Regime of Martial Law

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### Abstract

*In modern society, the legal and economic principles of public authorities are given top priority. In the context of the martial law regime, public authorities face a number of new challenges, the solution of which requires balanced and comprehensive solutions of both legal and economic nature. Today, the specific conditions of martial law, along with social and economic issues, actualize security challenges that are of paramount importance both among the population of Ukraine in general and in the activities of public authorities. Interaction with the public on security issues is a powerful tool for improving the image of public authorities. An equally important issue in the field of public authorities is the issue of countering separatism in the public service under martial law. The solution to this problem is not only to improve the processes of bringing perpetrators to justice, but also to improve the national strategy of national-patriotic education, legislation regulating public service, education, civic activity, etc.*

**Keywords:** *Legal And Economic Principles, Public Authorities, Martial Law, Image, Separatism.*

### INTRODUCTION

The Constitution of Ukraine (1996) proclaims that Ukraine is a sovereign and independent, democratic, social, and legal state. A person, his or her life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value. In accordance with the above provisions of the Basic Law, supporting the welfare of the population is not just one of the factors, but the basis, the key goal of the entire vertical of power. This idea permeates national legislation and is expressed in social policy, the development and implementation of which has many peculiarities.

In today's business environment, the economic and environmental safety of organizations depends on the soundness of management decisions. In market conditions, the organization makes management decisions independently, and this happens when there is uncertainty in the external and internal financial and business environment of the organization, so there are risks caused by the deviation of actual results from the planned ones (Chorine, Filipishyna, Nord, Tkachenko, Velychko, 2019, p. 413). At the same time, the distortion of the balance of payments, capital outflows from the country, the formation of additional pressure on the exchange rate, the destructive impact on the formation of multi-vector priorities of the country's customs and tax policy and the deepening of corruption schemes affect significant amounts of budget shortfalls and the ability of public authorities to perform their functions and powers (Kolomoiets, Tsybulnyk, Moroz, Prymachenko, Khashev, 2021, p. 420), which raises the issue of understanding the legal and economic foundations of public authorities in the new conditions.

The legal regulation of relations between public authorities and local self-government bodies and individuals and legal entities is an urgent problem for Ukrainian society today. Modern democratic transformations of society and the State have led to changes in the legal means and methods of influence of public authorities and

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local self-government bodies on social relations, which is due to the emergence of new institutions and categories in law, and therefore there is a need for appropriate adjustment of law-making and law enforcement practice regarding their application (Gusarov, Marchuk, 2023).

The scientific novelty of the study is that it reveals the essence of the legal and economic principles of public authorities from a fundamentally new angle through the prism of today's realities, and also analyzes such little-studied problems as creating a positive image of public authorities in the context of war and separatism among public servants during martial law, the author's own ways to solve them are provided.

### **Purpose and Objectives of the Study**

The purpose of the article is to define the legal and economic principles of operation of public authorities under the martial law regime. To achieve this goal, it is necessary to solve the following tasks:

To determine the specifics of the market economy and the postmodern worldview in the context of formation of legal and economic guidelines (principles);

To analyze the transformations undergone by public authorities at the current stage of human development;

To clarify the essence of legal principles;

To define the main approaches to understanding the category of "economic principles";

To characterize the relationship between legal and economic principles in times of war;

To analyze the problems of creating a positive image of public authorities in the context of war and separatism among public servants during martial law as being at the intersection of legal and economic factors.

### **RESULTS AND DISCUSSION**

The problem of effective protection of the aggrieved person's rights has always existed. Today Ukraine lives in difficult conditions of struggle against the armed aggression of the Russian Federation (Ablamskyi, Tchobo, Romaniuk, Šimić, Ilchyshyn, 2023). In the context of martial law, the State has to organize proper social support for internally displaced persons, as well as residents of regions that are constantly subjected to enemy shelling, persons who lost their homes as a result of hostilities, as well as family members of fallen soldiers, veterans who were injured in the course of combat missions, etc. Unfortunately, today's realities are that in the course of the Russian-Ukrainian war, given the scale of the use of enemy weapons, new categories of people are emerging who require specific measures to provide them with social assistance at the state level. This leads to the formation of comprehensive strategies at the state level, taking into account potential risks for the most vulnerable categories. It should be noted that such status is currently determined not only by the standard of living of a citizen and the peculiarities of his or her place in social interaction, but is also largely determined by the dynamics and nature of hostilities in a particular region and the State as a whole.

During the war, the Government of Ukraine made a number of decisions that significantly affected the speed of administrative service delivery in the context of decentralization. Today, the ability to exchange information between electronic registers, use electronic services throughout the country, and optimize the distribution of powers between different levels of public administration, and in particular between state and local governments, is becoming increasingly important.

In society and among political elites, there are always moral guidelines, instructions, and ideals as components of value life. This is a kind of engine of progress or regression that contributes to the rise or decline of political institutions (Pavlenko, Larina, Bobro, Fursa, Pliekhova, 2022, p. 326). At the same time, in modern society, it is the legal and economic guidelines (principles), given the specifics of the market economy and the postmodern worldview, that are given priority attention by domestic and foreign researchers of the functioning of any organization, especially if such an organization is a public authority, whose activities are subject to the rules of conduct established in society at the organizational, managerial, regulatory, moral and ethical level, as well as the established level of legal culture and legal consciousness.

Public authorities at the present stage of human development are undergoing a period of qualitative transformation. L. Guo (2008, p. 1927) notes that the desire for government efficiency, effectiveness, responsiveness, flexibility and accountability is dominant. This has given rise to numerous innovations in both government organization and policy design and implementation. These innovations were aimed at improving the government in some aspects to adapt to "external" and "internal" pressures. The author emphasizes that it is worthwhile not only to study how successful and justified individual innovations in public administration are, but also how different types of reforms affect each other and interact in practice, including by laying down new both legal and economic principles for the activities of public authorities.

Regarding the essence of legal principles, some authors also call them the binding force of law, some reduce them to the rule of law not defined in the rules, some use this term to explain the very essence of the rule of law, and some in the context of analyzing this category refer to the deep layers of legal issues and philosophical reflection. Some believe that justice is natural to all people, which makes them obey legal norms, but in the eyes of others, it is the power of the government and state coercion that makes people comply with legal norms. As for the economic foundations, according to A. Gandmani, M. Sadeghi and B. Baseri (2019), in the process of defining and stabilizing the economic system that governs the economy of countries, as a rule, at the level of constitutions, economic foundations include principles that reflect the attitude of the sovereign to the problem of the economy and the type of economy, covering, among other things, analytical economics, which consists of scientific topics of economics and studies the economic behavior of individuals and builds appropriate models in accordance with academic goals and programs and policies adopted in the economic system and which are naturally consistent with economic data and the economic academic environment. Economic policy does not seek a precise plan for achieving goals, but only directs the economic behavior of economic agents without directly interacting with their decisions through economic instruments. These instruments can be divided into monetary, financial, currency and business instruments.

T. Lopez (2015, p. 248) in the field of environmental regulation emphasizes that the use of economic instruments in the service of environmental public policy has become widespread in all countries, and they can be encountered more and more often. These economic instruments coexist with other types of instruments, the so-called "administration and control". The researcher proposes to divide economic instruments into fiscal instruments: taxes, tax assistance; financial instruments: funds, trusts, bonds, trust deposits, environmental insurance, soft loans and state aid; market instruments: deposit return systems, negotiable emission certificates and private sector-funded environmental service payment programs. As for fines and economic sanctions in general, the scientist considers the latter to be corrective instruments used when prevention and control measures have not worked for some reason (Lopez 2015, p. 261).

As we can see, legal and economic principles are closely interrelated. Reflecting on this problem in the context of war, C. Breen (2017, p. 104) notes that it is the violation of this relationship that underlies one of the biggest global problems: the inability to overcome systematic economic and social exclusion and related violations of economic and social rights as a cause of conflict. The researcher proposes to consider the extent to which peacekeeping operations authorized by the Security Council are based on human rights and efforts to promote economic and social development, the extent to which the Security Council interacted with the General Assembly, the Economic and Social Council, and other mechanisms, and the role of the UN High Commissioner for Human Rights in this process.

In the context of the activities of public authorities, some domestic researchers emphasize the importance of taking into account in management processes information about the impact of the economic activity of organizations, which is based on the establishment of cause-and-effect relationships, which allows obtaining a comprehensive assessment for making management decisions on changing the parameters of the management system as a whole and separate management subsystems aimed at ensuring the environmental and economic security of organizations as a set of conditions necessary to ensure the normal economic development of the country and recovery of the lag in development from European countries during the integration of Ukraine into the EU (Chorine, Filipishyna, Nord, Tkachenko, Velychko, 2019, p. 420; Mohilevskyi, Fursa, Sievidova, Komziuk, Khloponina-Gnatenko, Pidkopai, 2021, p. 171).

O. V. Brusakova, A. O. Yefremov and I. M. Riazantseva (2022, p. 370) propose to consider the administrative and legal regulation of economic security in two aspects:

- 1) as a set of administrative and legal norms regulating administrative social relations in the field of economic security;
- 2) as a systemic organizing influence of specially authorized state bodies on economic and social relations with the help of administrative and legal norms and other legal means, primarily of an administrative nature, with a view to protecting, improving and creating appropriate conditions for further development in the context of ensuring national security of Ukraine.

In the context of the martial law regime, public authorities face a number of new challenges, the solution of which requires balanced and comprehensive solutions of both legal and economic nature.

Leading national lawyers (A. Rosokhata, M. Minchenko, A. Chykalova, O. Muzychuk, 2021) emphasize that marketing and communication policy continue to play a leading role in the work of enterprises. It is the emerging trend in the communication policy of business structures that affects the course of the activity process itself, the time during which it takes place, and the geographical space of its action. In fact, the quantitative expression of the development of the trend in the implementation of communication policy is based on the principle that knowledge of the average rate of change of a process leads to the answer to the question of what level this process will reach. After all, the speed of spread of innovative trends indicates the degree of probability of successful implementation of innovative ideas in organizations.

According to M. L. Pakhnin (2019, p. 127), the elements of the mechanism for creating a positive image of public authorities can be defined as a certain system of tactical and strategic steps, which include planning, development, organization, justification and implementation of the strategy; search and identification of key and priority areas; determination of the "image" of the public authority, conducting sociological surveys, analysis of the definition of the media and identification of the most effective means of political communication.

Under martial law, the issue of maintaining the image of public authorities arises not only in the plane of legal and economic aspects, but is also closely related to ensuring the national security of the state and is reduced to timely detection, prevention and neutralization of real and potential threats to the national interests of Ukraine (Gusarov, Zolotar, Belanuk, Svyrydova, 2020). At the same time, it should be noted that the specific conditions of martial law actualize, along with social and economic issues, security challenges that are of paramount importance both among the population of Ukraine in general and in the activities of public authorities. Interaction with the public on security issues is a powerful tool for improving the image of public authorities under martial law, not just for show, but real, systematic, and comprehensive. Such interaction, in our deep conviction, should begin at the level of comprehensive assistance with basic necessities, food, and medicines to each individual employee of a public authority and his or her family members. It is appropriate to implement such projects not only at the level of one-time notes on the information resources of a public authority, but also to scale such actions, strengthen cooperation with other public organizations and international foundations, including in order to attract funding and other resources that can be provided by partner organizations.

The next issue in the field of public authorities, which also requires a combination of effective measures of both legal and economic nature, is the issue of countering separatism in the public service under martial law. After all, with the beginning of the full-scale Russian invasion, some public servants in the occupied territories went over to the enemy, voluntarily agreeing to hold relevant positions in the administrative bodies formed by the occupation regime.

Analyzing the essence of this problem, some domestic researchers note that, first, the main criterion for whether a separatist movement will develop peacefully and without violence or will escalate into a long bloody conflict is the level of democracy and the rule of law in a country where the following separatist tendencies are observed. Accordingly, the more democratic principles a state professes to meet the socio-political and economic needs of its citizens, the more humane the interaction between different socio-political groups in that country will be. Secondly, the use of violent methods to combat separatism should be viewed by the government as a measure of last resort, which should be fully motivated and carried out in accordance with the law. Effective intelligence

services and capable armed forces are an important factor in countering separatism. Also, success in the fight against separatism largely depends on the effectiveness of preventive measures aimed at preventing the formation of separatist armed groups and the ability of the state to build an adequate national and foreign policy (Gusarov, Zolotar, Belanuk, Svyrydova, 2020, p. 35). At the same time, the problem of separatism should not be viewed as a one-time issue; it has deep roots, including historical, cultural, and ideological ones. From the point of view of legal support, the solution to this problem should be limited not only to improving the processes of bringing perpetrators to justice and the severity of punishments, but also to improving the provisions of national strategies of national and patriotic education, legislation governing public service, education, and civic activity, primarily by preventing separatist sentiments among public officials, preventing them from developing to the level of strong beliefs and concrete decisions to link their professional activities with separatism. A clear set of personal and professional guidelines for public servants in Ukraine in the short term should be defined at the legislative level, including career opportunities, preferential conditions for housing and education, which will also apply to family members of such persons.

In our opinion, it is interesting to define the scope of needs that underlie the desire of an individual to participate in the political life of society. Obviously, this issue is basic and its understanding is important for the further development of the political system. We are deeply convinced that this aspect includes material, spiritual and social needs, the proportion and place of which largely depends on the legal, political and general culture of society, the level of well-being of citizens, and the prevalence of corruption practices in public administration. In the sphere of spiritual needs, an important place is given to the desire to determine and improve the fate of the category or categories of the population to which a person belongs. In fact, it is about a conscious desire for power as a source of organizational and institutional capacity to help people. This aspiration is quite idealistic, but history has known cases of its practical implementation, in particular, the political career of Mahatma Gandhi is a classic example. However, quite often, especially in countries with a transition economy, and especially with authoritarian, totalitarian political regimes, the aspirations that underlie a political career are based mainly on the satisfaction of material needs: enrichment, "connections" in various spheres of the state apparatus, a status that implies a certain set of privileges, which are based on additional opportunities to realize the same material needs.

## **CONCLUSIONS**

Summarizing the above, we can come to the conclusion that in the conditions of the legal regime of martial law, public authorities face a number of new problems, the solution of which requires balanced and complex decisions of both legal and economic nature. It is interaction with the population around security issues that is a powerful tool for improving the image of public authorities in the conditions of martial law. Such interaction should arise at the level of comprehensive assistance with basic necessities, food products, medicines, etc. It is appropriate to implement similar projects not only at the level of one-off notes on the information resources of one or another public authority, but also to scale such actions, strengthen interaction with other public organizations and international funds, including with the aim of attracting funding and other resources that can provide partner organizations. At the legislative level, a clear set of personal and professional guidelines for a public servant in Ukraine should be defined for the near future, which will cover opportunities for career growth, preferential conditions for obtaining housing, obtaining an education, which will also apply to family members of such persons.

The main features of the legal and economic framework for the activities of public authorities under the legal regime of martial law as the basis for the welfare of the country's population are:

- 1) reflection of the basic principles of social policy, its objectives, implementation tools and other legal aspects not only in the legislation of Ukraine, but also in the key legal act of the state - the Constitution of Ukraine;
- 2) social policy causes changes in the state apparatus by creating and organizing the work of agencies responsible for implementing the policy and its goals;

- 3) social policy contributes to the systematic improvement of fundamental social institutions, such as health care, pensions, social protection of the unemployed, etc., in order to enable all citizens without exception to enjoy the rights granted to them by the Constitution and to realize themselves as individuals;
- 4) social policy, through systematic and stable state support of the population, leads to the development of human potential, education of motivated and high-quality workers in various fields of activity, creation of new jobs, which has a positive impact on the economic and financial situation of the country.

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The authors does not have any interest conflict.

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