

LEGAL REGULATION OF POWER DECENTRALIZATION IN UKRAINE: COMPARATIVE ANALYSIS AND CRIMINAL-ADMINISTRATIVE ASPECT

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Abstract

The purpose of this article is to shed light on the decentralization of power reform in Ukraine under war conditions. In the concept of Ukrainian territorial communities, the ancient European traditions of Ukrainian local self-government and modern standards of the European Union are successfully embodied. The article is a qualitative study with a historical and comparative approach. The results of the study conclude that the effective interaction between citizens, the state and international organizations contributed to the formation of Ukrainian territorial communities. It has been shown that personal income tax is one of the main sources of replenishing the budget of the community. In the first nine months of 2022, the local budget in the Dnipropetrovsk region of Ukraine collected 16,364,124 Ukrainian hryvnia (UAH) in personal income tax, which is 34 % more than in the same period of 2021. Stabilizing and restoring local self-government in Ukraine requires the introduction of a new, effective and transparent strategic planning system at three levels: state strategy - regional strategy - community strategy. To restore and stimulate regional development, the strategy development must include the identification of the following four types of functional territories: recovery territories, economic growth poles, territories with special development conditions, and territories of sustainable development.

Keywords: Reform, Decentralization of Power, Territorial Communities, Government Bodies, Legal Base, War.

1. INTRODUCTION

The large-scale invasion of the Russian Federation has become the greatest challenge for Ukraine since the restoration of independence. Among other things, the war has exacerbated the problems associated with achieving stability in regions and communities. The course of hostilities has demonstrated the strength and effectiveness of horizontal relations in Ukrainian society. While regional and district military administrations (MAs) and regional councils are focused on solving the problems of armed struggle against the aggressor, a significant part of the burden of the war falls on the shoulders of local authorities.

In addition to collecting and providing voluntary assistance to the Armed Forces of Ukraine and the Territorial Defense Forces, welcoming and resettling forced migrants, local councils are focused on supporting businesses and ensuring the functioning of the local economy and the livelihoods of the population. French local self-government in its current form, nowhere in the world, has been able to cope with the challenges faced by the local self-government bodies of Ukraine after the large-scale Russian invasion. This happened when the Ukrainian community not only passed its own shock test under absolutely harsh and dangerous conditions but also applied the principles and norms of the main international instruments in the field of local self-government - which were especially important in wartime conditions and in which: it demonstrated the validity of the idea of subsidiarity enshrined in the European Charter for Local Government (Strasbourg, 15 October 1985);¹; affirms the appropriateness of expanding the concept of local government within the framework of the World Declaration on Local Government (Rio de Janeiro, 26 September 1985),², namely “the right and duty of local governments to regulate and carry out public affairs under their personal responsibility and for the benefit of local people”; “to assume boldly and resolutely the responsibility for generating (directly or indirectly) local economic growth”, according to the European Urban Charter (1992).³

The decentralization reform in Ukraine is one of the most successful and consistent in the last eight years. This has been guaranteed by the long-standing European traditions of local self-government, the consistency of state leadership, and the systematic methodological and institutional assistance rendered by international organizations.⁴

International partners acknowledge that the reform of the organization of territorial power in Ukraine is a success. That is why the Government’s main task for 2022-2025 is to focus on the sustainable development of regions and local governments. At the same time, these plans were forced to adjust due to the Russian attack. The central government’s decisions, motivated by the need to quickly respond to war conditions, suspended the decentralization process in certain regions. The results of the first stage of the decentralization reform were summarized on February 21, 2022 at the National Forum “Safe Community and Capabilities of the Future” under the auspices of the President of Ukraine, where the following issues were discussed: implementation of the decision of the National Security and Defense Council of Ukraine dated April 15, 2021 “On measures in the regional policy of the state to support decentralization” in the context of decentralization reform and capacity building of local governments; modern tools and effective solutions for community development; community security, building a national resistance system. The forum is organized by the National Security and Defense Council of Ukraine and the Association of Small Towns of Ukraine.⁵

1 Council of Europe, October 2013. European Charter of Local Self-Government. <https://rm.coe.int/european-charter-for-local-self-government-english-version-pdf-a6-59-p/16807198a3>

2 UN. Economic and Social Council (1987, 1st sess.: New York). Declaration on Local Self-Government. <https://digitallibrary.un.org/record/156504?ln=ru>

3 Council of Europe, 17-19 March 1992, Strasbourg. European Urban Charter <https://rm.coe.int/168071923d>

4 Hryhorash, Olha, Maxim Korneyev, Yevgeny Leheza, Liliya Zolotukhina, and Tetiana Hryhorash. ‘The Development of Small Business as a Source of Formation of Local Budget Revenues in Ukraine’. *Investment Management and Financial Innovations* 15, no. 1 (2018): 132–40. [https://doi.org/10.21511/imfi.15\(1\).2018.12](https://doi.org/10.21511/imfi.15(1).2018.12).

5 Leheza, Yevhen, Volodymyr Shablysty, Irina V. Aristova, Ivan O. Kravchenko, and Tatiana Korniakova. ‘Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, Their Analogues and Precursors: Administrative and Criminal Aspect’. *Journal of Drug and Alcohol Research* 12, no. 4 (2023). <https://doi.org/10.4303/JDAR/236240>.

Against the background of unprecedented threats to world democracy, created by Russia by means of its attack, territorial communities in Ukraine prove that expanding the competence of local self-government by delegating part of state powers to its bodies is a justified and reasonable step. The wartime management system ensured stability at the regional level and the local level.⁶

In the liberated territories, local self-government has become the fundamental link in ensuring the stability of the rear as well as social stability. The stability of the temporarily occupied local self-government after February 24, 2022 has accelerated the process of stabilization after liberation.

The purpose of the article is to shed light on the reform of decentralization of power in Ukraine under war conditions. The study is based on the work of foreign and Ukrainian researchers on the legal regulation of decentralization of the Ukrainian government under war conditions. With the help of the epistemological method, the legal regulation of decentralization of the Ukrainian government under war conditions was clarified, etc., thanks to the logical-semantic method, the conceptual apparatus was deepened, the legal regulation of decentralization of the Ukrainian government under war conditions was determined, etc.

Thanks to the existing legal methods, we were able to analyze the essence of the legal regulation of the decentralization of Ukrainian government in war conditions. The specificity of the object of research, as well as its goals and tasks, determined the use of general and special scientific cognitive methods. The hermeneutic method was used to establish the content of the decentralization of Ukrainian government in war conditions and legal doctrine.

This analytical method was used to explain the provisions of legal normative documents establishing the order and features of the decentralized state of Ukrainian government in war conditions. Using the method of systematic analysis, judicial decisions were made in court proceedings related to the protection of the decentralization of Ukrainian government in war conditions and specifically related to the specifics of the decentralized state of Ukrainian government in war conditions. The dogmatic method helps to analyze scientific research devoted to general problems of decentralization of power in Ukraine in war conditions. The method of generalization helps to draw conclusions summarizing the research conducted. Thus, modern national scientific research is mainly based on such a general scientific method as the dialectical method. In general, dialectics as a science studies the most general laws of the development of nature, society and thinking. The dialectical method is a general scientific method of cognition, which must take into account the relationship and constant development of phenomena in the process of cognition of reality.

Dialectics, as a method of obtaining information about nature, society and thinking, considered in unity with logic and the theory of knowledge, is a basic scientific principle of the study of multifaceted and contradictory reality in all its manifestations. This method "has been developed over the centuries by scientists of different philosophical and political orientations" and includes an approach to the study of social phenomena, based on the constant common connection of the development of society, the state and nature.⁷

⁶ Zadyraka, Nataliia, Yevhen Leheza, Mykola Bykovskiy, Yevhenii Zheliezniak, and Yulia Leheza. 'Correlation of Legal Concepts of Administrative Procedure and Administrative Liability in the Sphere of Urban Planning'. *Jurnal Cita Hukum* 11, no. 1 (2023): 33–44. <https://doi.org/10.15408/jch.v11i1.31784>.

⁷ Sheyko V. "Organization and Methodology of Scientific Research Activity: a Textbook". 2nd edition. (2002). Kyiv: Znannia-Press, Ukraine.

This method “was developed over many centuries by scientists of various philosophical and political directions” and consists in such an approach to studying phenomena of social existence, which is based on the general regular connections of development of society, the state and nature.⁸

Therefore, according to the dialectical method, all phenomena are interconnected and dynamic. The basis of their development (dynamics) includes such laws of dialectics as transition from quantity to quality, struggle and unity of opposites, etc.

As for the topic of the research, thanks to the dialectical method, the current state of decentralization of Ukrainian government in war conditions and understanding of the essence of this legal phenomenon was established, taking into account their dynamics, development during historical time and taking into account their interdependence with other phenomena of social and state life, interrelation of one relationship with other ones.

Application of the *axiological method* was aimed at clarifying and determining the public danger of violations in the sphere of decentralization of Ukrainian government in war conditions as well as at the public utility of state activity to overcome these violations.

The *hermeneutic method* made it possible to reveal the dependence of interpretation of normative legal acts or provisions set forth in scientific texts on the subject of interpretation, to reveal the content of legal norms and scientific knowledge, based on the peculiarities of legal normative legal and scientific language.

Humanization of domestic legislation and determination of decentralization of Ukrainian government in war conditions, his/her rights and freedoms in relation to interests of the state determines the need to use a *humanistic method* in order to consider of decentralization of Ukrainian government in war conditions. As a result, it is concluded that *the state and laws* have a human nature, that is, they are created, act and are intended to provide for the needs of decentralization of Ukrainian government in war conditions.

The comparative-legal (comparative-historical, comparative-structural, comparative-functional, comparative-axiological, comparative-typological, comparative-linguistic, comparative-semiotic, comparative-legal, comparative-philosophical, comparative-political, etc.) for studying general, special and unique features between interpretation of the essence and content of the status of decentralization of Ukrainian government in war conditions, as well as their protection in domestic legal and scientific doctrine in relation to the foreign one, etc..

So, outline of the methodological foundations of researching legal bases of personal data protection allowed us to reach several conclusions.

Firstly, both the breadth of cognitive opportunities for extracting new knowledge about the subject of study and the adequacy of the obtained results depend on the methodological toolkit. **Secondly**, the subject of research lies in the plane of several sciences, which requires the use of a wide range of general, philosophical, general scientific, partially scientific and special research methods. **Thirdly**, only the complex use of methodological approaches and research methods will contribute to an objective, comprehensive, complete disclosure of the subject of study of this scientific work.

Thus, the complexity and multifacetedness of the research subject, the goal and task set in this dissertation, require definition of worldview, philosophical, scientific and

8 Maksimov S.I. “Problems of the Methodology of Modern Legal Science”, *Bulletin of the Academy of Legal Sciences of Ukraine*. Vol. 1. (1997). 146-150

theoretical foundations, as well as a comprehensive use of a wide range of general, philosophical, general scientific, partially scientific and special research methods. It is this approach that will contribute to a full, comprehensive, objective disclosure of decentralization of Ukrainian government in war conditions.

Changing the mode of functioning of regional and local authorities through the formation of military administrations ensuring security on the territory, became an important factor in ensuring livelihood of communities. Local self-government bodies continue exercising their powers aimed at resolving issues of local importance in the territories of communities, taking into account the specifics of functioning under martial law.

In contrast to the situation of 2014-2021, when the war took the form of a local conflict, the full-scale invasion on February 24, 2022 created threats to the entire territory of the state. The legal framework for functioning of the territorial communities in war conditions was immediately applied - it has fully ensured stability of management at the regional level and the local level. At the same time, its imperfection began to manifest almost from the first days of the war. There was an urgent need for additional legislative regulation of local self-government activities under martial law.⁹

A series of normative amendments to the Law of Ukraine "On the Legal Regime of Martial Law" dated May 12, 2015 (from March 15 to May 12, 7 relevant draft laws were adopted) removed a number of acute problems of the initial period of aggression. Based on the experience of half a year of the active phase of the war, draft law No. 8056 was submitted to the Verkhovna Rada of Ukraine for consideration, which, after its adoption, is capable of significantly improving the interaction of authorities and self-government bodies.¹⁰

In the conditions of martial law, the powers of local self-government bodies, in addition to the Law "On Local Self-Government", are regulated by the provisions of the Law of Ukraine dated May 12, 2015. No. 389-VIII "On the Legal Regime of Martial Law".¹¹ This law regulates, in particular, creation of military administrations. Local self-government bodies act together with military administrations formed by the President of Ukraine under martial law to ensure implementation of the Constitution and laws of Ukraine. Local self-government bodies and military administrations ensure, together with the military command, introduction and implementation of measures of the legal regime of martial law, defense, public order and security, protection of rights, freedoms and legitimate interests of citizens.

Functions of military administrations are similar to the functions of military-civilian administrations created in some regions, districts and communities in accordance with the Law of February 3, 2015. No 141-USH "On Military-Civilian Administrations".¹² However, there are significant differences that had not been worked out until February 24, 2022 due to the lack of practice of introducing martial law throughout the country.

9 Voloshanivska, Tetiana, Inna Pozihun, Serhii Losych, Olha Merdova and Yevhen Leheza. 'Administrative and Criminal Law Aspects of Preventing Offenses Committed by Minors in the Sphere of Illegal Circulation of Narcotic Drugs, Psychotropic Substances and Precursors'. *Journal of Drug and Alcohol Research*, 12(10) (2023). <https://doi.org/10.4303/JDAR/236269>

10 Law of Ukraine "On the Legal Regime of Martial Law", Verkhovna Rada Information, May 12, 2015 No. 389-VIII. <https://zakon.rada.gov.ua/laws/show/389-19#Text>

11 Law of Ukraine "On Military-Civilian Administrations", *Bulletin of the Verkhovna Rada*. February 3, 2015. No. 141-VIII. 2015, No. 13, Article 87. <https://zakon.rada.gov.ua/laws/show/141-19#Text>

12 Law of Ukraine. On Military-Civilian Administrations. *Bulletin of the Verkhovna Rada*. February 3, 2015. No. 141-VIII. 2015, No. 13, Article 87. <https://zakon.rada.gov.ua/laws/show/141-19#Text>

Military administrations are formed in accordance with Presidential Decrees for the period of martial law and 30 days after its termination or cancellation. Military administrations can be of three types: regional ones, district ones and those of inhabited localities.

There are three grounds for formation of regional and district military administrations: 1) in case of failure to convene a session of the relevant district or regional council within the time limits established by the Law of Ukraine “On Local Self-Government in Ukraine”¹³; 2) in case of termination of their powers in accordance with the law; 3) to exercise leadership in the sphere of providing defense, public safety and order.

In connection with the armed aggression of the Russian Federation, regional and district military administrations in Ukraine were established by Presidential Decree No. 68/2022 of February 24, 2022, precisely on the third basis.¹⁴ The respective regional and district state administrations acquired the status of military administrations, and their heads became the heads of these military administrations.

The grounds for creating a MA of an inhabited locality are similar, but somewhat narrowed: failure of local councils and/or their executive bodies, and/or village, settlement, city heads to exercise the powers assigned to them by the Constitution and laws of Ukraine; in other cases, provided for by this Law; military administrations in some settlements were established later, by separate Presidential Decrees.

2. ANALYSIS AND DISCUSSION

The establishment of the military administration is decisive for the structure and composition of the military administration bodies, which are approved by the head of the military agency based on actual needs. In case the relevant local self-government bodies are not competent, the newly established military administration will assume part of their functions. To carry out these functions, sufficient personnel must be provided within the structure of the military administration. If the functions of the relevant local self-government bodies are preserved, this body has the opportunity to continue to cooperate with the military administration. The military administration structure in this case will be different, because it is not necessary to partially replace the functions of the local self-government bodies.

This is the fundamental difference between the military administration and the military-civilian administration. The latter was created from the very beginning precisely to exercise the powers of local executive bodies. The military administration is not a legal entity under public law. The financing of the activities carried out by the military administration within the framework of the exercise of powers of local self-government bodies is carried out at the expense of the relevant local budget, and the implementation of other functions is carried out at the expense of the state budget of Ukraine.¹⁵

The direction, coordination and control of the activities of the district military administration in matters of defense, security, public order, protection of important infrastructure, implementation of martial law measures are carried out by the General

¹³ Law of Ukraine. On Local Self-Government in Ukraine of May 21, 1997 No. 280/97-VR. Information of the Verkhovna Rada of Ukraine (VVR), 1997, No. 24, Article 170 <https://zakon.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80#Text>

¹⁴ On the Formation of Military Administrations. Decree of the President of Ukraine No. 68/2022. <https://www.president.gov.ua/documents/682022-41405>

¹⁵ Leheza, Yevhen, Volodymyr Shablysty, Irina V. Aristova, Ivan O. Kravchenko, and Tatiana Kornikova. ‘Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, Their Analogues and Precursors: Administrative and Criminal Aspect’. *Journal of Drug and Alcohol Research* 12, no. 4 (2023). <https://doi.org/10.4303/JDAR/236240>

Staff of the Military District. The Armed Forces of Ukraine, military administration bodies (if formed) and control of activities on other issues are carried out by the Cabinet of Ministers of Ukraine, regional state administration bodies within the framework of their competence. The general management of the activities of the military administration of the inhabited localities is carried out by the head of the corresponding district military administration.

The powers of military administrations are defined in detail in Article 15 of the Law 389-VIII.¹⁶ In the event that the competent local self-government bodies cannot function, the military administration of the inhabited localities (in addition to the basic rights related to the promulgation and implementation of siege measures) receives the following basic skills, which are inherent in peacetime only to local self-government bodies: 1) preparation, approval and ensuring the implementation of the local budget, making changes to it; 2) establishing the level of local taxes and fees, deciding on the provision of corresponding benefits related to their payment (in accordance with the law); 3) establishing the rates for household, communal, transport and other services in the manner and within the limits prescribed by law; 4) management of municipal property, objects of housing and communal services, commercial and household services, transport and communications that are municipal property; 5) Ensuring urban planning conditions and land use restrictions (as prescribed by law); 6) managing educational, medical, cultural, sports and physical training establishments, social service providers belonging to local authorities or transferred to them; 7) supplying fuel, electricity, gas and other energy sources to socio-cultural organizations belonging to local authorities as well as to the population; solving problems of water supply, drainage and wastewater treatment.

If the regional and district councils retain their operational capacity, they must perform the functions assigned to them under the provisions of the law on local self-government, even in the conditions of a military government established in the relevant territory. In this case, the MA exercises state administrative powers, the power to issue and implement martial law measures is specified in detail in Clause 8, Article 8 of Law No. 389-VIII.¹⁷

The distribution of powers between military administrations and local self-government bodies according to various legally provided options for their operation in wartime is presented in the Table 1.¹⁸

Table 1. Distribution of powers of military administrations and local self-government bodies under the conditions of various options for creating a military administration

16 Law of Ukraine "On the Legal Regime of Martial law". Verkhovna Rada Information. May 12, 2015 No. 389-VIII. <https://zakon.rada.gov.ua/laws/show/389-19#Text>

17 Law of Ukraine "On the Legal Regime of Martial Law", Verkhovna Rada Information, May 12, 2015 No. 389-VIII. <https://zakon.rada.gov.ua/laws/show/389-19#Text>

18 Volobuieva, Olena, Yevhen Leheza, Vita Pervii, Yevhenii Plokhuta, and Roman Pichko. 'Criminal and Administrative Legal Characteristics of Offenses in the Field of Countering Drug Trafficking: Insights from Ukraine'. *Yustisia Jurnal Hukum* 12, no. 3 (2023): 262–77. <https://doi.org/10.20961/yustisia.v12i3.79443>.

Military administrations have been established in the region (district, inhabited locality), and the regional, district or local council cannot function	The relevant military administration exercises the following powers: - powers of state administration (regional one or district one); - powers on introduction and implementation of measures of the legal regime of martial law; - powers of regional and/or district council, the executive apparatus of which is subordinate to the head of the relevant military administration; - powers of the village, settlement, city council, its executive committee, and the head of the military administration acquires powers of the village/settlement/city mayor
Military administrations have been established in the region (district), but the regional or district council can function	The MA exercises the following powers: - powers of state administration (regional one or district one); - powers on introduction and implementation of measures of the legal regime of martial law. The regional council or district council exercises its powers, but is subordinated to the military administration within the limits of the established measures of the legal regime of martial law
Military administrations have not been established in the inhabited locality, but regional and district military administrations have been established	The local council exercises its powers, but it is subordinated to the military administration within the limits of the established measures of the legal regime of martial law. The head of the city council has extended powers. Within the limits of some of these powers, it is mandatory to provide information to the relevant head of the military administration body

The Law of Ukraine “On the Legal Regime of Martial Law”, determining the modes of functioning of local self-government bodies and their interaction with the military administration, is intensively changing under the influence of the identified problems concerning its application in conditions of martial law.¹⁹

The Verkhovna Rada of Ukraine promptly responded to certain inconsistencies in the activities of the military administration and the local self-government body and prepared two draft laws: Draft Law No. 7153 dated March 13, 2022. “On Amendments to the Laws of Ukraine “On Central Bodies of Executive Power”, “On Legal Regime of Martial Law” and Draft Law No. 7269 dated April 9, 2022 “On Amendments to the Law of Ukraine “On Legal Regime of Martial Law”²⁰ regarding functioning of local self-government during the period of martial law”. The Draft Law No. 7153 was adopted by the Verkhovna Rada, but the President did not sign it due to the change in the military and political situation in the country - the Armed Forces of Ukraine liberated Kyiv,

19 Leheza, Yevhen, Olena Sinkevych, Zorina Kravtsova, Olena Kudriavtseva and Ievgeniia Cherniak. ‘The human right to an environment safe for life and health: legal regulation, contemporary challenges and comparative perspectives’. *Syariah: Jurnal Hukum dan Pemikiran*, 23(2), (2023): 138–150. <https://doi.org/10.18592/sjhp.v23i2.12257>.

20 Law of Ukraine “On the Legal Regime of Martial Law” Verkhovna Rada Information, May 12, 2015 No. 389-VIII. <https://zakon.rada.gov.ua/laws/show/389-19#Text>

Chernihiv and Sumy regions, and the Verkhovna Rada established effective work. This made the provisions of the draft law concerning the central authorities irrelevant. Instead, the legislative amendments regarding improvement of the legal regime of martial law were transferred to the Draft Law No. 7269 - after being finalized and approved by the Verkhovna Rada, it was signed by the President and entered into force.²¹

With the adoption of Law No. 2259-X of May 12, 2022 “On Amendments to Certain Laws of Ukraine Regarding the Functioning of the Civil Service and Local Self-Government during the Period of Martial Law” the individual powers of community heads have been significantly expanded, in particular, they can make decisions on the following issues: 1) transfer of funds from the local budget for the needs of the Armed Forces; 2) creation of institutions to provide free primary legal assistance; 3) control of natural disasters and epidemics; 4) hazardous waste management; 5) release of communally owned land plots from illegally placed temporary structures (buildings); 6) inspection of buildings and structures damaged as a result of hostilities; 7) dismantling of buildings and structures, which (according to the survey results) are recognized as dangerous and posing a threat to people’s lives.²²

In the last three cases, it is mandatory to inform the head of the relevant military administration within 24 hours.

A new stage of improving the legislation began with the submission to the Verkhovna Rada of Ukraine on September 19, 2022, of Draft Law No. 8056 “Draft of the Law on Amendments to Certain Laws of Ukraine on Improving the Powers of Local Self-Governing Bodies and Their Officials during Martial Law”. This was caused by an urgent need for urgent corrections to the laws of Ukraine “On Legal Regime of Martial Law”, “On Local Self-Government in Ukraine” and some others - the practical experience of their application by local self-government bodies, military administrations under the conditions of the legal regime of martial law dictated new needs.

In particular, changes are needed in terms of ensuring the system, completeness and clarity of the regulation of the complex of issues regarding exercising powers of local self-government bodies and their officials by military administrations, cases of such exercising, the course of its terms, guarantees for local self-government officials whose powers are temporarily suspended.²³

There is an urgent need to eliminate contradictions and ensure coordination between some provisions of the Law of Ukraine “On Legal Regime of Martial Law” and the Law of Ukraine “On Local Self-Government in Ukraine”, which arose mainly as a result of a new model of exercising powers of the Central Government of local self-government bodies implemented by the Law of Ukraine dated May 12, 2022 No. 2259-IX “On Making Changes to Some Laws of Ukraine Regarding Functioning of the Civil Service and Local Self-Government during the Period of Martial Law”.

Changes are needed to the legal mechanism for forming MAs of an inhabited locality (inhabited localities) within the boundaries of the territorial community where the

21 Korniienko, Maksym, Anatolii Desyatnik, Galina Didkivska, Yevhen Leheza, and Oleksiy Titarenko. ‘Peculiarities of Investigating Criminal Offenses Related to Illegal Turnover of Narcotic Drugs, Psychotropic Substances, Their Analogues or Precursors: Criminal Law Aspect’. *Khazanah Hukum* 5, no. 3 (2023): 205–15. <https://doi.org/10.15575/kh.v5i3.31742>.

22 Fedorenko, V.L. *Constitutional Law of Ukraine: textbook. To the 20th Anniversary of the Constitution of Ukraine and the 25th Anniversary of Ukraine’s Independence*, Kyiv: Lira-K, (2016). 616.

23 Dymko, Iegor, Arsen Muradian, Yevgeny Leheza, Andrii Manzhula, and Oleksandr Rudkovskyi. ‘Integrated Approach to the Development of the Effectiveness Function of Quality Control of Metal Products’. *Eastern-European Journal of Enterprise Technologies* 6, no. 3 (90) (2017): 26–34. <https://doi.org/10.15587/1729-4061.2017.119500>.

relevant military-civilian administrations operated. Currently, there is no real mechanism of a territorial basis for military-civilian administrations formed by the President of Ukraine outside the Donetsk and Luhansk regions after termination (cancellation) of martial law.²⁴

The strategic changes that can be implemented after the adoption of the bill deserve a positive assessment, such as: the power of military authorities operating on the territory together with local authorities in a limited regime (until a separate decision of the Verkhovna Rada), as well as the power of military authorities granted by the Verkhovna Rada (at the proposal of the President of Ukraine) full power on the territory (in case the local authorities do not ensure martial law measures); The provision on the empowerment of the village head as the head of the military administration in the inhabited locality is clearly defined. The administrative procedure for recruiting employees of the military administration of densely populated local areas, including former employees of local self-government bodies, is simplified; the requirement to initiate before the President of Ukraine the adoption of a decision on the establishment of a military administration at the proposal of individual subjects of power has been supplemented by the relevant provisions in other parts of the draft law on the possibility of these subjects to increase their powers. on such issues before the President of Ukraine. This allows the head of state, if necessary, to make a decision on this issue independently, taking into account all available sources of information, and not only on the proposals of a limited group of subjects; the President of Ukraine is given the opportunity to form a military administration of a densely populated locality (populated localities), the powers of which will include only the implementation of measures of the martial law regime and will operate on the same jurisdictional territory as the local self-government body of local government and the mayor of the relevant village/locality/city. However, only in case of failure of at least one of the subjects of the system of local self-government to exercise its powers or to make decisions in violation of the law, the President of Ukraine may (upon the request of the competent state management body in the region (regional military-civil administration, local self-government bodies - if established) apply to the Verkhovna Rada of Ukraine to make a decision on the exercise of powers by previously established MAs of inhabited localities (inhabited localities) in relation to the specific village/municipality/city council, the executive committee and the mayor of the village/municipality/city; amend the Law of Ukraine "On Military-Civil Administration" (the effect of which remains limited to the areas of conducting counter-terrorist operations and implementing measures to ensure national security and defense, repelling and preventing armed aggression by the Russian Federation in the territories) Donetsk and Luhansk regions) on extending its provisions to all administrative-territorial units and territories of local self-government bodies in Ukraine - taking into account the rules Amendments to Article 28 of Chapter XIII "Final and Transitional Provisions" of the Law of Ukraine "On Combating Corruption" and the abolition of the exceptions provided for in this Article for officials of local self-government bodies of the first to third categories (regional, district and local directorates of local self-government bodies, including the heads of district councils and some mayors), continuing to impose restrictions under Article 25 of this Law on these persons. This will create opportunities for those who previously held leading positions in local government, but are now deprived of their

²⁴ Leheza, Yevhen Oleksandrovysh, Viktor Filatov, Volodymyr Varava, Vira Halunko, and Kartsyhin Dmytro. 'Scientific and Practical Analysis of Administrative Jurisdiction in the Light of Adoption of the New Code of Administrative Procedure of Ukraine'. *Journal of Legal, Ethical and Regulatory Issues* 22, no. 5 (2019): 1–8. <https://dspace.oduvs.edu.ua/items/8756f8b6-59a2-4d6b-920c-b68d55efae0e>

positions due to the temporary suspension of the exercise of powers by local government in accordance with the law, to earn money, ensuring living conditions for themselves and their families (at the same level as regions and districts, for heads of relevant structural units of ministries and other central executive bodies with the same territory of administration as local self-government bodies, the specific provisions of the Law of Ukraine “On Combating Corruption” do not provide for any exceptions).²⁵

Local self-government in Ukraine has proven its viability under martial law. In most regions, local self-government bodies have preserved their functionality and manageability, the ability to carry out effective management at the local level in cooperation with the state authorities in the form of the military administration and their leaders.

There are at least three modes of interaction of local self-government bodies with the MA in the work of different communities: (1) replacement of local self-government bodies by military administration; (2) joint management of the community by local self-government bodies and the MA; (3) expanded powers of local self-government bodies with partial subordination to the higher-level military administration. Application of this or that mode depends on the specific living conditions of the community.²⁶

In most regions, regional and district councils exercise their powers defined by the Law of Ukraine “On Local Self-Government in Ukraine” in parallel with the work of the relevant military administrations. The latter perform the functions of state administrations and exercise leadership in the sphere of defense, public safety and order.²⁷

Enshrining the list of regions in the Constitution of Ukraine (which is a unitary state) does not justify itself. In addition, attention is focused on internal administrative boundaries - in conditions of war and temporary loss of territorial integrity, this has negative symbolism. After all, the claims of the Russian Federation for recognition of self-proclaimed terrorist organizations within certain regions became one of the reasons for the active phase of the war. In addition, the paradigm of false federalism can lead to critically dangerous consequences in the future - the link of tension may consist in creation of a separate executive body of the regional council (under current conditions, it is the regional administration, which is simultaneously part of both the executive power and the presidential vertical). Danger of such an approach for the integrity of the state was confirmed by the precedent of 2016, when five regional councils (Zhytomyr, Ivano-Frankivsk, Odesa, Khmelnytsky, Kirovohrad) decided to appeal to the President of Ukraine, the Chairman of the Verkhovna Rada of Ukraine and the Prime Minister of Ukraine regarding the need to conclude agreements on the distribution of powers between by the Cabinet of Ministers of Ukraine, regional state administrations and regional councils.²⁸

25 Leheza, Yevhen, Bogdan Shcherbyna, Yulia Leheza, Olena Pushkina, and Olesia Marchenko. ‘Features of Applying the Right to Suspension or Complete/ Partial Refusal to Fulfill a Duty in Case of Non-Fulfilment of the Counter Duty by the Other Party According to the Civil Legislation of Ukraine’. *Revista Jurídica Portucalense*, no. Sp. (2023): 340–58. [https://doi.org/10.34625/issn.2183-2705\(ne\)2023.ic-17](https://doi.org/10.34625/issn.2183-2705(ne)2023.ic-17)

26 Leheza, Yevhen, Volodymyr Shablysty, Irina V. Aristova, Ivan O. Kravchenko, and Tatiana Korniakova. ‘Foreign Experience in Legal Regulation of Combating Crime in the Sphere of Trafficking of Narcotic Drugs, Psychotropic Substances, Their Analogues and Precursors: Administrative and Criminal Aspect’. *Journal of Drug and Alcohol Research* 12, no. 4 (2023). <https://doi.org/10.4303/JDAR/236240>.

27 Radchuk, Anatolii. Slavinska, Iryna. Izbash, Kateryna. Branowicki, Wiktor & Kozhemiakina, Tetiana. (2023). Principles of Law in Legal Regulation of Public Relations in Modern Conditions. *Jurnal IUS Kajian Hukum Dan Keadilan*, 11(2), 403–419. <https://doi.org/10.29303/ius.v11i2.1485>

28 Leheza, Yevhen, Karina Pisotska, Oleksandr Dubenko, Oleksandr Dakhno, and Artur Sotskyi. ‘The Essence of the Principles of Ukrainian Law in Modern Jurisprudence’. *Revista Jurídica Portucalense*

Territorial communities and their military administrations are the main link in ensuring stability in the war conditions at the regional level; their functioning is supported by local self-government bodies.

Peculiarities of the activities of local authorities in Ukraine during the war on the example of the Dnipropetrovsk region

The Dnipropetrovsk region does not have occupied areas, which include timely preparation of defense lines and internal defense systems on the initiative of local authorities. Meanwhile, the region borders a number of combat zones in the Donetsk, Zaporizhia, Kherson regions, is close to such areas in the Kharkov and Luhansk regions and provides rear support in these directions.

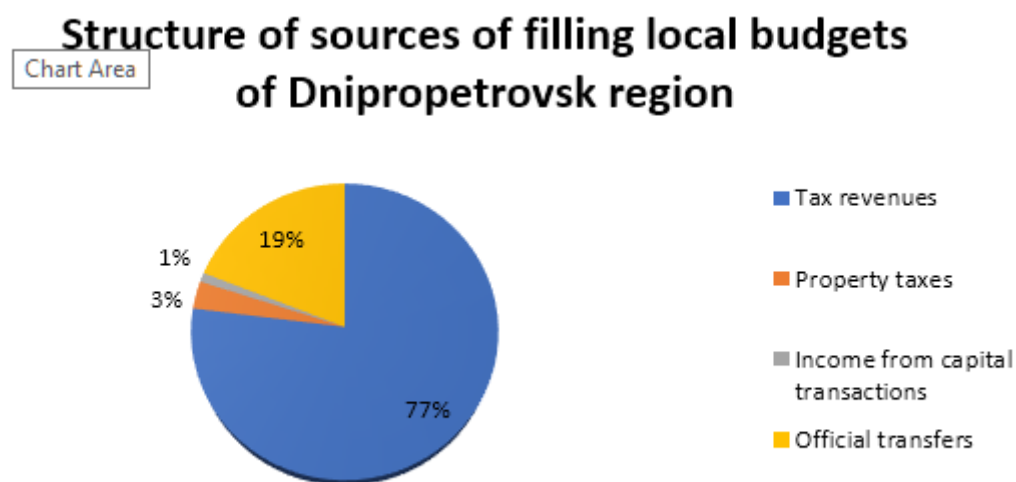
The stability of the region is based on its socio-economic situation. Before the large-scale military offensive of the Russian Federation on Ukraine, the Dnipropetrovsk region played a leading role in the country by many indicators, sharing the first/second place among the regions with Kiev. In war conditions, the relative economic weight of the region was equally high. This year, economic indicators will return to pre-war levels. Providing rear support in several operational directions (southern direction (Kherson and Zaporizhzhya regions), northern direction (Kharkiv region), eastern direction (Donetsk region)) sets the following priority tasks for the military, regional and local authorities: 1) purely military issues - the development of a phased defense system in the region in all directions. Currently, the Kryvorizky and Nikopol districts, located right next to the front line, are under the greatest military pressure from the west and the south - they are regularly targeted by Russian troops from multiple rocket launchers, artillery and mortars. In the east, methodical missile strikes (mainly against transport infrastructure) are directed against the territory of the Synelnykove district; 2) organize a regional logistics center to supply the army, primarily with weapons, which are transported mainly by rail and road from the western borders of the country; 3) organize logistics services to provide medical assistance to servicemen; 4) prepare territorial defense formations; 5) solve the problems of internally displaced persons. Most of the refugees come from the Donetsk and Kharkov regions. The majority of IDPs, after receiving basic assistance, will move further to central and western Ukraine, but a significant number will remain in the Dnipropetrovsk region, which requires solving the problem of their accommodation.

At the same time, the Dnipropetrovsk Territory authorities can provide assistance to refugees on their own, using the resources of the region as well as the assistance of charitable organizations and foundations. Community budget. The level of compliance with the city budget is one of the indicators of the effectiveness of the work of the military administration and local government organizations, as well as the ability to perform their functions in wartime. In the first months of the invasion, the depth of the budget problem in local governments increased significantly compared to peacetime. The most important issues concern social protection for citizens, support for military personnel and displaced persons, support for the training of territorial defense agencies, implementation of planned activities and local programs.

However, despite all the negative factors, economic activity began to recover rapidly and 4 months after the start of the large-scale Russian offensive, it practically reached pre-war levels. In the first four months of the year, despite the hostilities and significant emigration of the region to the West, the local budget of the Dnipropetrovsk region

received UAH 9,915 million in taxes, which is UAH 1,163 million (or 13.4 %) more than in the same period last year. The plan for 2022 provides for an increase in revenues of 14.9 % - in general, this level was achieved in the region by 97.9 %. 55 out of 86 municipalities have fulfilled the planned targets, with the municipalities of Cherkaska and Mykolaivska of Synelnykove district having the highest implementation rates - 267.9 % and 219.9 %, respectively. In September 2022, the seventh month after the start of the large-scale Russian invasion, tax revenues of the region's municipalities increased by 24 % compared to the previous year. Personal income tax is one of the main sources of funding for the municipal budget (chart 1). In the first nine months of 2022, the local budget of the Dnipropetrovsk region received 16,364,124 Ukrainian hryvnia (UAH) in personal income tax, which is 34 % higher than in the same period in 2021.

Figure 1. Structure of Sources of Filling Local Budgets of Dnipropetrovsk Region



French revenues from the single tax increased by 10 %. At the same time, local budgets suffered losses due to the cessation of economic activity of some businesses, farms, staff cuts and other unforeseen circumstances. Property tax revenues increased by the least - 7 % compared to 2021. Analysis of specific tax revenues for the budgets of regional authorities, regardless of official transfers, shows that the rate decreased only in the first month of the war - in March (chart 1). In the period from April to June, the growth rate was relatively weak - adaptation to war conditions took place; and since July, the rate has increased significantly.

Due to the improved economic situation, the territorial community of the city of Dnipro, at an extraordinary session of the city council in July, decided to reduce property taxes and taxes on real estate, except for land taxes, from January 1, 2023. This was done to reduce the tax burden and help entrepreneurs find premises for their activities.

To restore the pace of construction of residential and non-residential real estate in the city, the following indicators were reduced: by more than four times (from 2.3 % to 0.5 %) - the share of land allocated for the construction of residential and public buildings, as well as the construction of other structures for the implementation of various fields of activity; by more than two times - the share of land planned for the activities of media companies; almost double (from 2.3 % to 1.3 %) - the rate of land

payments for the location and operation of industrial enterprises, as well as vulnerable sectors of the economy (such as energy and transport).²⁹

Thus, the Dnipropetrovsk region provides rear support in several operational directions of hostilities, while none of its territories are occupied. Only seven communities out of 86 were recognized as affected by hostilities.

The stability of the Dnipropetrovsk region is ensured by high economic potential and well-timed organizational decisions. Such a relatively high level of security in such close proximity to war zones makes the region attractive for internally displaced persons and relocated enterprises.

The economic situation in the region is gradually improving and has almost reached the pre-war level. At the same time, there were changes in the structure of the economy - mining and metallurgical enterprises were partially stopped due to logistical problems, the situation will not improve until the end of hostilities.

In order to organize life in the de-occupied territories of Ukraine, it is advisable to follow a set of measures that will make it possible to preserve justice and punish criminals and at the same time create conditions for life support activities of communities thanks to provision of a system of state administration and local self-government in the special conditions of martial law.

3. CONCLUSION

The decentralization reform is one of the most successful reforms of recent years. As a result, a fundamental link between local self-government, social life and the national resistance of Ukraine was created. In wartime conditions, local self-government passed the shock test and became the fundamental link ensuring the stability of the rear. At the initial stage of the large-scale Russian invasion, local self-government assumed the support of the armed forces and part of their functions, ensuring the survival of communities (often under conditions of hostilities); facilitating the evacuation and settlement of the population in relatively safe communities; contributing to the resettlement of enterprises and, moreover, maintaining social stability. Local self-government in Ukraine has proven its ability to survive under martial law. In most regions, local self-government retains its functions and mobility, the ability to effectively manage at the local level in cooperation with state bodies in the form of military administration and its leaders.

There are at least three methods of interaction between local self-government and military administration (methods used by different bodies): replacement of local self-government by military administration; joint management of communities by local self-government and military administration; expansion of local self-government powers with partial subordination to higher military administration. The application of one or another method depends on the specific living conditions of the community. In most regions of Ukraine, regional and district councils continue to exercise the powers determined by law together with the work of the military administration.

This body performs the functions of state management and leadership in the field of defense, security, and public order. Local governments and their military administrations are the main link in ensuring stability in war conditions at the regional level; their activities are supported by local self-government bodies. Several years of functioning

29 Leheza, Yevhen, Larysa Yerofieienko, and Volodymyr Komashko. 'Peculiarities of Legal Regulation of Intellectual Property Protection in Ukraine under Martial Law: Administrative and Civil Aspects'. *Revista Justiça Do Direito* 37, no. 3 (2023): 157–72. <https://doi.org/10.5335/rjd.v37i3.15233>

in conditions of financial decentralization and experience of working remotely during the coronavirus pandemic have helped the rear communities quickly adapt to life in war conditions. In a few months, the rear communities were able to restore economic indicators to the level at the beginning of the large-scale Russian invasion. This helps ensure stability in the rear, especially with regard to the placement of internally displaced people and the relocation of enterprises.

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