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Environmental impact of corruption risks in the field of land relations

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Abstract

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The relevance of this subject is caused by the fact that the analysis of corruption risks in the field of land relations allows identifying real shortcomings and gaps in the current legislation. If these problems are left unresolved, it

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will contribute to the further development of corruption in Ukraine, which is an agrarian country. Eliminating these risks is a key step towards ensuring transparency and effective land management, which is crucial for the country's sustainable development. The purpose of this study was to provide a comprehensive analysis of the effects of corruption risks identified in strategic anti-corruption legislation on the environment. The study employed the following methods: systemic and structural, formal-logical, and comparative. The findings of the study indicated that corruption in the field of land relations is a global problem typical for many countries, including Ukraine. The study found that corruption in this area leads to irrational use of land, which adversely affects the agrarian potential of the state. The study emphasised the need to introduce effective measures to minimise corruption risks, namely: replacing the procedure of free privatisation of land plots with alternative forms of social support for the population; establishing clear market-based rental rates for state and communal land; and completing the necessary stages for a full transition to electronic registration of land plots. It was concluded that the fight against corruption in the field of land relations should be considered not only as an economic priority, but also as a critical tool for environmental protection. The study of corruption risks in the field of land relations and their effects on the environment is of great practical significance for the development of anti-corruption mechanisms, ensuring transparency of land use and protection of ecological balance. Its findings will help to improve legal regulation, introduce public control, and minimise the negative environmental consequences of illegal use of land resources

Keywords: corruption; land; land use; land plot; environment; anti-corruption strategy; land reform

Introduction

The granting of EU candidate status to Ukraine in 2022 was accompanied by requirements, the key among which was to strengthen anti-corruption measures in all spheres of public life. In this context, the area of land relations is of particular significance. Research by the USAID Agricultural and Rural Development (AGRO) programme through a survey of small and medium-sized businesses in the agricultural sector found that corruption in land relations continues to be widespread, although its level slightly decreased: from 65% in 2021 to 56% in 2022 (USAID Agricultural and Rural..., 2024). However, despite the overall decline, some types of corruption, such as delayed land registration procedures and manual privatisation, showed an increase in 2022. This indicated the need to improve the mechanisms for regulating land relations, including the introduction of transparent procedures and minimisation

of the human factor, which is a prerequisite for reducing corruption risks and increasing trust in the land management system. Furthermore, in February 2024, the USAID AGRO programme allocated UAH 5.6 million for the development and implementation of a project to combat corruption and raiding in land relations in Ukraine (USAID AGRO..., 2024). These measures emphasise the significance of further improving the mechanisms for regulating land relations and implementing transparent anti-corruption measures to ensure sustainable development and environmental safety of the country.

Agricultural land is illegally used for the construction of multi-apartment residential buildings or shopping and entertainment centres, while forest land can be used for the development of administrative or business centres, which is accompanied by massive deforestation.

In February 2025, the South-Eastern Interregional Forestry and Hunting Department recorded a violation of the law by the Dnipro City Council. A land plot of 19.4287 ha was leased for the construction of multi-storey residential buildings, part of which belongs to the forest fund of Ukraine (Vasiliev, 2025).

The analysis of the latest research and publications in the field of the subject matter indicated the relevance of the chosen subject. V. Tawiah *et al.* (2024) investigated the effects of corruption on environmental sustainability using data from 123 countries over 18 years. The researchers argued that corruption hinders the efficient use of natural resources, which adversely affects environmental growth. The study revealed that although developing countries have lower emissions, their level of environmental sustainability is considerably lower due to corruption. The analysis confirmed that corruption is detrimental to sustainable development regardless of the level of economic development of the country.

Y. Hao *et al.* (2022) analysed the impact of environmental decentralisation on environmental emergencies in China and explored the role of corruption in this process. Using panel data from 30 regions of China for 2005–2016, the study confirmed that corruption undermined the implementation of environmental reforms, increased the risk of environmental disasters, and reduced public trust in government institutions.

D. Cahyadi and A. Saptomo (2024) studied the problem of illegal land grabbing in Indonesia and emphasised the role of corruption as one of the main factors that complicates the solution of this issue. Comparable challenges can be observed in Ukraine, where corruption in the land sector continues to be a severe problem. Ukraine, like Indonesia, must strengthen oversight of land administration, reform the licensing system, and increase the accountability of officials to prevent illegal land grabs and protect property rights.

In this context, modern scientific research on corruption in the field of land relations often focuses on its economic aspect, emphasising the damage caused to the financial system. However, it is equally significant to realise that corruption in this area has an adverse environmental impact. Thus, the fight against corruption in land relations should be viewed not only as an economic priority, but also as a critical tool for environmental protection.

Wiyono *et al.* (2023) proposed a “moral and ethical” approach in institutions and public bodies aimed at restoring public trust in the state and creating a social environment that strongly condemns, opposes, and punishes corrupt practices. Such initiatives can be implemented by both the government and the public at any level to raise awareness and foster intolerance to corruption among the younger generation. This is a valuable practical step towards the development of a national civilisation based on the principles of ethics and morality, free from corruption.

Among Ukrainian researchers, it is worth paying attention to the study by O. Rykovska (2021), where the researcher focused on the significant concentration of land use. Thus, the development of a special mechanism for concluding large transactions, including mandatory verification of the sources of funds, verification of information about the ultimate beneficial owners, and verification of the veracity of the corporate ownership structure, and ongoing monitoring of the effects of concentrated land use on the rights of the local population and environmental protection should become a mandatory precautionary measure in the field of land relations.

V. Tylchyk and N. Shpak (2023) analysed corruption risks in the field of land relations, geospatial data, and land management, specifically the activities of the StateGeoCadastre of Ukraine as a key actor in corruption schemes. The researchers emphasised the need for a comprehensive

anti-corruption policy, strengthening control over the activities of land management bodies and introducing transparency mechanisms to reduce corruption risks in this critical area. V. Bozhenko (2022) analysed the phenomenon of the “resource curse”, when rich natural resources do not contribute to sustainable development, but, on the contrary, provoke abuse, leading to the irrational use of natural resources and environmental degradation. The study presented an economic and mathematical model that allowed assessing the impact of resource endowment on the level of corruption and analysed international examples of the adverse consequences of such interaction. T. Gaida (2020) addressed the existing legislative gaps that enabled manipulation of legal provisions and evasion of mandatory competitive procedures. The lack of clear control mechanisms and effective oversight of such processes only increases corruption risks, which negatively affects both the economy and the environmental condition of land.

Despite a considerable number of scientific publications analysing such issues, aspects of corruption risks identified in the principal anti-corruption strategic documents, as well as their influence on the environment, are still understudied. Notably, corrupt actions of officials and abuses in the field of land relations not only disrupt management processes but can also become a factor causing severe natural and environmental disasters, cataclysms, and other undesirable changes in ecosystems. Insufficient consideration of these risks in anti-corruption strategies can lead to unpredictable consequences that have far-reaching environmental and social impacts on society’s development and nature conservation.

The purpose of this study was to provide a comprehensive assessment of corruption risks in the field of land relations on the state of the environment. For this, the following objectives were set: to characterise land relations as a specific

object for the emergence of corruption risks that adversely affect the environment; to describe approaches to the current understanding of corruption risks in the field of land relations; to analyse individual court cases on corruption in the field of land relations that led to irresponsible land use.

Materials and Methods

The methods employed were substantiated by the specification of the subject under study, namely, the environmental impact of corruption in the field of land relations. The study used a series of general scientific and special legal methods, which allowed achieving the objectives. Among the general scientific methods, classical approaches typical for legal research were applied. The systemic-structural method helped to examine the key regulations related to minimising corruption in land relations and to establish logical links between the corruption risks identified by the National Agency for the Prevention of Corruption and the Anti-Corruption Strategy approved by Law of Ukraine No. 2322-IX (2022).

The study was based on a set of legal methods used in conjunction. The formal legal method was employed to analyse the key corruption risks in the field of land relations, classify them into groups, and develop measures to minimise these risks, considering both legislative provisions and recommendations of the academic community. The individual comparative method helped to identify gaps and shortcomings in the current legislation that must be addressed to prevent future corruption risks that negatively affect the environment. Apart from the legal analysis, the study employed empirical methods to assess the real influence of corruption in the field of land relations on the environment. The method of content analysis of official reports, including studies by the National Agency for the Prevention of Corruption (Department for the Prevention and Detection of Corruption, 2021).

When covering the topic and objectives of the study, a series of such regulations in the field of anti-corruption legislation in general and the field of land relations specifically were used. The key ones were as follows: the Constitution of Ukraine (1996), the Land Code of Ukraine (2001), the Tax Code of Ukraine (2010), the Laws of Ukraine No. 2322-IX (2022), No. 552-IX (2020), No. 711-IX (2020), the Resolution of the Cabinet of Ministers of Ukraine No. 220 (2023). Analysis of court decisions, such as Judgement of the Dnipropetrovsk District Court of Dnipropetrovsk Region in Case No. 175/3917/16-k (2017), Decision of the Rakhiv District Court of Zakarpattia Region No. 114421150 (2023), Decision of the Economic Court of Volyn Region in Case No. 903/1333/23 (2024), helped analyse typical corruption schemes related to violations of environmental standards.

Results and Discussion

Land relations as an object of corruption risks that harm the environment. According to the Constitution of Ukraine (1996), the fundamental legislative act of Ukraine, the owner of land and its subsoil is the Ukrainian people, and the rights of the owner are exercised on behalf of this people by state authorities and local self-government bodies (Article 13). The next article of the Constitution states that land is recognised as the main national wealth, which is under special attention of the state (Article 14).

Analogous provisions are contained in the Land Code of Ukraine (2001) (Article 1 – “Land is the main national wealth under special protection of the state”), which is the key regulation in the field of land relations. according to Article 2 of the Code, land relations cover social relations regarding ownership, use, and disposal of land. The objects of such relations are land within the territory of Ukraine, land shares (units), and land plots. This is a reflection of the legislator’s special

attention to land as an essential natural resource and its constituent element, the land plot. Without delving into the history of legislative regulation of land relations and land transfer procedures, it is worth noting that land plots have always been a special object around which various mechanisms for obtaining them have been formed, including through unfair or corrupt means.

Land resources are conventionally considered challenging to manage, as decisions on their use usually involve many people, which can complicate the assurance of transparency. At the same time, although officials at various levels of government are formally supposed to act in the interests of the community, the involvement of investors in land transactions often becomes an opportunity for personal enrichment. O.M. Borodina and I.V. Prokopa (2021) confirmed that the scale of land transactions directly correlates with the level of possible corruption: the more favourable the conditions for large investment projects, the greater the risk of abuse. This is explained not only by the high economic value of land, but also by the complexity of the procedures for its transfer and use, which creates favourable conditions for non-transparent decisions and corruption schemes. Furthermore, large investment projects can involve not only officials but also intermediaries and other stakeholders who, under certain conditions, can influence the outcome of transactions in their personal interests. This points to the significance of increasing transparency and accountability in land management.

According to M. Burak (2021), land relations are one of the most corrupt areas in the public administration system in Ukraine. In this area, officials and officers rarely abuse their position, using manipulations with communal and state-owned land plots for illicit enrichment. Among the adverse consequences of such actions are reduced revenues to the state and local budgets, loss of state and municipal land, and violation of the rights and

legitimate interests of land users. Furthermore, such processes markedly reduce the country's investment attractiveness, creating an unfavourable climate for international and internal investors.

Furthermore, systematic corruption in land relations worsens social inequalities, undermines trust in state institutions, and hinders sustainable regional development. This requires comprehensive efforts to increase transparency, improve land management mechanisms, and introduce effective control by law enforcement agencies and the public. Corruption and trust in public institutions are closely linked: rising levels of corruption lead to a decline in public trust, which increases corruption risks. When people perceive the government as corrupt, they lose faith in its ability to deliver justice, the rule of law and good governance, which reduces civic engagement and willingness to follow regulations. This creates favourable conditions for the further spread of corrupt practices, as low trust reduces public pressure on the authorities and negates anti-corruption initiatives. This creates a vicious circle where distrust fuels corruption, and corruption fuels distrust, which undermines the legitimacy of state institutions and hinders the development of society (Mizrahi & Krup, 2025).

It is worth agreeing with A.L. Pomaza-Ponomarenko (2023) that if both parties benefit from a corrupt transaction, such as the sale and purchase of a land plot, there is always a "third" party that suffers losses. In this context, this party is the land plot itself as a special environmental object. Corrupt practices can lead to irrational use of land, deterioration of its condition, degradation of natural resources, and loss of environmental value. Additionally, such transactions often ignore environmental restrictions and regulations, causing long-term damage to both the environment and society overall. For example, in a case heard by the Rakhiv District Court of Zakarpattia Oblast on 25 October 2023,

it was found that the inaction of the head of a utility company had led to illegal land pollution, which caused substantial environmental damage. Due to inadequate control and lack of necessary documentation, the territory of the illegal land-fill illegally expanded, causing the state losses of more than UAH 6.5 million. This shows that corruption negligence and abuses in the field of land use not only violate the law but also cause long-term damage to the environment and public interests (Decision of the Rakhiv District Court of Zakarpattia Region No. 114421150, 2023).

The dissertation study by V. Trepak (2020) noted that land relations are among the most vulnerable areas of social relations to corruption. This is driven by historical circumstances, specifically, the prolonged stay of Ukrainian lands under foreign occupation. During this period, Ukrainians, facing constant discrimination, were often forced to use informal and corrupt mechanisms to resolve various issues.

A. Sira (2019) rightly noted that among all the legal relations affected by corruption, land relations occupy a special place as they are of strategic significance for the state and its institutions. Corruption in this area negatively affects public amenities, the social sphere, planning and development of land relations, land use, and rural infrastructure. The situation in public administration bodies handling the acquisition of rights to land plots, their legal protection and security often violates the rights and interests of citizens – landowners and land users. This is caused by the prevalence of corruption offences in these institutions. The problem becomes even more urgent in the context of land reform and the introduction of a free land market, which creates new challenges for ensuring transparency and legality in land management.

The opening of the agricultural land market may create new corruption risks in the field of land relations. In July 2021, it was cancelled

with the adoption of Law of Ukraine No. 552-IX (2021). The land sale was conducted in two stages: from 2021 to 2023, only Ukrainian citizens were entitled to purchase land with a limit of 100 hectares per person. From 2024 onwards, according to the Law, this right was extended to resident legal entities with a limit of up to 10,000 hectares. In an open market, there is still a risk of new corruption schemes.

Corruption impedes the mobility of production factors, which is a key element of free competition. Specifically, this refers to state-owned means of production, and their involvement in private business is often accompanied by corruption schemes. In Ukraine, for a long time, most corrupt practices were recorded during the transfer of state-owned land. A major step in the fight against corruption in this area was the introduction in October 2017 of a mechanism for leasing state-owned agricultural land exclusively through electronic land auctions. This increased the transparency of the procedures and reduced opportunities for abuse (Sapich & Sapich, 2021).

Additionally, the introduction of electronic services in the field of land relations, such as the State Land Cadastre, also helped to minimise the influence of the human factor, which is one of the primary sources of corruption. Despite these positive developments, the problem continues to be urgent due to the lack of proper control over the implementation of legislation, imperfect mechanisms for verifying compliance with the rules, and the difficulty of ensuring open access to information on land resources (Department for the Prevention and Detection of Corruption, 2021). This creates risks for the sustainable development of the agricultural sector and adversely affects the environmental condition of land resources.

The prevalence of corruption schemes, the amount of unlawful benefits, and the scale of human rights violations prompted research in this area by many scholars, practitioners, human rights

defenders, and representatives of civil society. One of the well-known researchers of the impact of corruption on land relations around the world is Professor O. De Schutter (2016). Summarising data from more than 95 countries, the researcher described the most widespread corruption schemes that often overlap and mutually reinforce each other within various forms of large-scale land transactions, outlined procedural mechanisms of corruption associated with the violation of governance at various stages to benefit a particular person or group. L. Golovko *et al.* (2021), using the example of the principles of legal regulation of agricultural taxation in the European Union, provided examples of minimising corruption in the field of land relations through transparency and openness of the relevant taxation.

Thus, corruption in land relations is a global problem that can manifest itself in various forms in most countries. In Ukraine, this problem is caused by both objective and subjective factors, among which the legal nature of land and land plots occupies a prominent place. These objects are particularly valuable inexhaustible resources that are subject to enhanced legal protection by the state. The historical context, including the lengthy period when Ukrainian lands were under the control of foreign powers and constant discrimination, contributed to the development of conditions that encouraged illegal and corrupt methods of obtaining land plots. What is particularly dangerous is that in an agrarian country like Ukraine, corruption in the land sector adversely affects the environment. It leads to the depletion and reduction of soil fertility, as well as the use of land for other purposes, which complicates the sustainable development of agriculture and environmental protection. Thus, addressing the problem of corruption in land relations is critical for environmental sustainability, economic development, and ensuring transparency in the use of national resources.

Characteristics of corruption risks in the field of land relations. Corruption as a phenomenon originates from the general level of political, socio-cultural, or economic development of the state (Kravchuk & Lavriv, 2022). In contrast, corruption in land relations does not arise by itself, as persons, being obligatory participants in such a process, see advantages or simplified mechanisms in its use, and as they use such mechanisms, the level of corruption was substantially reduced. Corruption risks in land relations are complex and markedly affect the efficiency of land management, economic development, and the environmental state of the country. This area is particularly vulnerable to corruption due to a series of specific features of legal regulation, the socio-economic context, and the value of land as a strategic resource.

The concept of corruption risks in the field of land relations is complex and multifaceted, as it includes various forms of corruption. Corruption in the civil service, executive authorities, local self-government, and administrative services may directly or indirectly cover land relations, provided that the relevant authorities or officials have powers in this area. The land sector, according to the current Anti-Corruption State Strategy (Law of Ukraine No. 2322-IX, 2021) and the State Programme for its implementation (Resolution of the Cabinet of Ministers of Ukraine No. 220, 2023), is defined as one characterised by a significant level of corruption risks.

According to the provisions of these two regulatory documents, the following corruption risks were identified: 1) the complexity of the procedure for the formation of land plots, characterised by excessive discretion; 2) abuse of the procedure for collecting land tax and rent from state and municipal land plots, which allows for the transfer of such land plots at a value below their market value. Admittedly, the Tax Code of Ukraine (2010) contains a provision that allows setting the rent

for state and municipally owned land plots in an unreasonably wide range: from 0.3% to 12% of their normative monetary value.

One of the key corruption risks is the absence of a clearly regulated procedure for the sale of state-owned and municipally owned land plots, as well as rights to them (lease, superficies, emphyteusis) through electronic auctions in the context of free circulation of agricultural land. Notably, such auctions markedly reduce corruption risks in the acquisition of land use rights. The introduction of a requirement to establish a family farm on each transferred plot may make it economically unprofitable for large agricultural producers to acquire such land due to the complexity of organisational management. Instead, it will open opportunities for young people to join the agricultural sector and promote the development of intensive and high-margin production. On small plots of up to 2 hectares, the cultivation of classical grain crops does not provide a significant economic effect, which will stimulate the use of innovative approaches and crops (Brigadier & Panova, 2021).

One of the corruption risks identified in the provisions of the Anti-Corruption Strategy and the State Programme for its implementation is the preservation of the free procedure for changing the designated purpose of a land plot. Although certain changes were made in 2021, including granting owners the right to change the designated purpose of a land plot without the approval of the relevant authority or the development of a land management project, the procedure is still free of charge. The only condition is that the new designated purpose follows the master plan or zoning of the settlement (Law of Ukraine No. 711-IX, 2020).

However, the absence of financial obligations for such a change creates major risks of corrupt practices. This can facilitate illegal privatisation of land, manipulation of land auctions, and approval of urban planning documents. Abuses in this area not only damage the economy but also have

severe environmental consequences. Specifically, uncontrolled changes in the designated purpose of land plots lead to their use for purposes other than those that are environmentally sound. For example, valuable agricultural land can be converted into construction sites, which reduces soil fertility and worsens their ecological condition. This can also disrupt ecosystem balance, including through the destruction of natural habitats, pollution, or increased pressure on natural resources. Taken together, such actions can contribute to environmental degradation, directly challenging the country's sustainable development. For instance, the Decision of the Economic Court of Volyn Region in Case No. 903/1333/23 (2024) considered the issue of illegal transfer of agricultural land to private ownership with subsequent change of its intended purpose. The court found that such actions led to a violation of environmental standards and ordered the land plot to be returned to state ownership.

The procedure of free privatisation of state and municipally owned land is a significant corruption risk. According to the provisions of the Land Code of Ukraine (2001), every person is entitled to acquire ownership of a land plot free of charge by applying to the relevant state or local government body. As O. Rykovska (2021) noted, this procedure is one of the most corrupt, as it gradually loses a strategic resource for the state, local governments do not receive significant revenues to local budgets, and extensive amounts of "facilitation payments" end up in the pockets of officials responsible for transferring land into ownership. The corruption component lies in the fact that it is impossible to provide every citizen with land in real life due to the limited availability of free land in Ukraine. This creates grounds for abuse when officials apply a selective approach when deciding who should be granted land. Such "selectivity" is almost always accompanied by the demand for unofficial remuneration, which encourages the spread of corrupt practices. This

mechanism adversely affects not only on the economy but also the environment. The uncontrolled transfer of land to private ownership often leads to its irrational use.

Thus, corruption risks in land relations undoubtedly have a significant negative environmental impact. The following corruption schemes are most harmful to the environment: 1) Illegal transfer of land to private ownership – this process is often accompanied by violations of environmental standards and irrational use of land plots. For example, agricultural land can be transferred for construction or used for other purposes, which damages soil fertility and worsens the environmental condition of the territory. 2) Abuse of procedures for changing the designated purpose of land – corrupt practices in this area lead to uncontrolled changes in the function of land, which can cause soil erosion, water pollution, loss of biodiversity, and deterioration of natural ecosystems. 3) Non-transparent mechanisms of land sales and lease – low transparency and lack of proper control in the processes of transferring land for use or sale lead to manipulation of land plots. This not only undermines trust in government agencies but also leads to the unsustainable use of natural resources.

Analysis of individual court cases on corruption in land relations that led to irresponsible land use. When analysing the issue of corruption and the risks associated with it, it is vital to focus on concrete court cases that demonstrate the impact of this negative phenomenon on land relations. Such cases confirm that corrupt practices cause direct damage, primarily to the environment, by violating the special properties of land plots and soil fertility. This applies to the use of particularly valuable land with forged agrochemical passports. Such violations are often made possible by corrupt practices of officials and employees in the field of land relations, which enables the illegal use of land resources within the framework of formally legal procedures.

One of the most illustrative cases is Judgement of the Dnipropetrovs'k District Court of Dnipropetrovs'k Region in Case No. 175/3917/16-к (2017). In this case, it was established that an individual applied to the director of a branch of the state institution "Institute of Soil Protection of Ukraine" to obtain a positive opinion from the State Land Committee on the transfer of a land plot located on the territory of a village council. For this, she asked for a survey of the land plot and an agrochemical passport stating that the soil on the plot was not classified as particularly valuable, although it actually was. The director of the branch, guided by his own benefit, agreed to this proposal and issued an agrochemical passport where he deliberately ignored the real properties of the soil. At the same time, the court decision does not contain any information about the negative consequences of this violation in terms of environmental legislation, which could have been caused by falsification of documents. This approach to resolving the case demonstrates the need for a more in-depth analysis and assessment of environmental risks in litigation related to violations in the field of land relations.

Notably, the mechanism of agrochemical certification of land should be aimed not only at monitoring the condition of soils, but also at protecting them from depletion and degradation. Such a mechanism is mentioned in the Law of Ukraine No. 963-IV "On State Control Over the Use and Protection of Land" (2003). Soils are particularly valuable as they are an essential component of delicately balanced natural ecosystems and are in dynamic balance with other components of the biological sphere. In case of illegal or irrational use, such soils lose their natural value, suffer degradation, and can be completely destroyed.

This degradation is particularly noticeable in places where human activity is carried out in an environmentally unreasonable, irrational manner, and in a way that does not factor in the natural biosphere potential of the territory.

Specifically, the misuse of land or its conversion to other categories without due consideration of environmental consequences leads to loss of soil fertility, disruption of water balance, destruction of biodiversity, and other serious environmental problems. To avoid such adverse consequences, it is necessary to improve mechanisms for controlling soil use, ensure compliance with environmental legislation, and develop environmental monitoring tools. Particular attention should be paid to raising awareness and implementing sustainable land use technologies that preserve ecosystems and their natural balance.

Another example in this area is the case related to the illegal alienation of 15 hectares of state land of the National Academy of Agrarian Sciences of Ukraine (NAAS). These lands, having the status of especially valuable, were intended exclusively for research activities. However, it was found that NAAS officials, acting in collusion with officials of the Kyiv Oblast Department of the State Land Agency (the State Service of Ukraine for Geodesy, Cartography and Cadastre), violated the requirements of Articles 149-150 of the Land Code of Ukraine (2001). Without the necessary approval of the Cabinet of Ministers of Ukraine and the consent of the Verkhovna Rada of Ukraine, they decided to terminate the right of permanent use of land plots owned by the state enterprise "Research Farm "Chabany" of the National Research Centre of the Institute of Agriculture of the NAAS. As a result of such actions, these land plots were transferred to the ownership of pre-determined private individuals. Consequentially, research activities on these lands ceased, and most of them were built up with private residential buildings. What is particularly worrying is that some of these lands were classified as particularly valuable. This applies to both lands with high-quality soils (according to the qualitative criterion) and those used as research fields (according to the legal criterion) (The case of theft of land..., 2019).

The use of these lands for other purposes led to a considerable deterioration of their condition, destruction of the fertile soil layer, and damage to the ecosystem. This case demonstrated severe problems with compliance with the law and the need to strengthen control over the use of particularly valuable land, particularly in the field of scientific research. Importantly, such actions not only damage the land cover, but also undermine public confidence in the institutions responsible for the protection and sustainable use of natural resources.

Further overcoming corruption in the field of land relations in Ukraine should be based on a comprehensive approach that includes three key components. Firstly, it is necessary to ensure real political will to fight corruption, which implies decision-making aimed at minimising corruption risks and ensuring the inevitability of punishment for corruption offences. Secondly, the effectiveness of cooperation between anti-corruption agencies, law enforcement agencies, and civil society must be improved to detect and prevent corruption schemes in the land sector. This can be achieved by establishing prompt information exchange, improving control mechanisms, and introducing digital tools for monitoring land resources. Thirdly, a vital task is to eliminate gaps in anti-corruption legislation that enable abuse of office, as well as to counteract attempts to mitigate or weaken it (Kurylo & Dubchak, 2021). To this end, legal mechanisms for liability for violations in the field of land relations must be strengthened, and stricter procedures for controlling the allocation, distribution, and change of designated purpose of land plots must be introduced. The public must be actively engaged in the decision-making process and transparent digital systems must be introduced for land registration and management, thus minimising the human factor and corruption risks (Klochko & Kishinets, 2022).

This is why the above corruption schemes in the field of land relations are evidence that many

land plots in Ukraine are subject to improper land use, and as a result, damage is being done to the agricultural potential. This misuse of land not only reduces its productivity, but also leads to environmental degradation, loss of biodiversity, and soil degradation. As a result, the efficiency of the agricultural sector, which is one of the key components of Ukraine's economy, is reduced. These consequences also adversely affect the country's food security and limit opportunities for rural development, which requires investment in sustainable development and careful use of natural resources.

Conclusions

The study examined the problems of corruption risks in the field of land relations in Ukraine and their effects on the ecological state of the territories. The study investigated how corruption in this area affects the environment and identified the key factors contributing to the development of corruption schemes. The purpose of this study was to identify key corrupt practices and suggest ways to overcome them.

The study analysed the key corruption risks in the land sector, including illegal allocation of land plots, violation of environmental requirements, falsification of data in documentation, and unlawful changes in land designation. Particular attention was paid to the effects of corruption on ecosystems and natural resources, including the destruction of environmentally critical areas and the deterioration of soil and water quality. Corrupt practices in land relations undoubtedly have a significant negative environmental impact. Among the most harmful schemes is the illegal transfer of land to private ownership. Such a process is often accompanied by violations of environmental standards, which leads to irrational use of land plots. Agricultural land is particularly severely affected, as it can be transferred for construction or used for other purposes, which damages soil fertility and worsens the overall environmental

condition of the territories. This not only reduces the productivity of agricultural land but also creates an added burden on the environment as land resources are used inefficiently. Another prominent corrupt practice is the abuse of procedures for changing the designated purpose of land. This includes the uncontrolled change of land function, which can lead to severe environmental problems such as soil erosion, water pollution, loss of biodiversity, and degradation of natural ecosystems. For example, protected land can be diverted for development or other activities, which not only upsets the ecological balance but can also adversely affect the health of local communities. At the same time, non-transparent mechanisms for selling and leasing land create favourable conditions for manipulating land plots, which exacerbates the problem. The lack of proper control in these processes not only undermines trust in government agencies, but also leads to unsustainable use of natural resources, making it challenging to ensure sustainable development and preserve the ecological balance in the country.

The findings provided a better understanding of how corruption in land relations not only violates the legal order but also causes severe envi-

ronmental damage. Identifying the key corruption schemes and their effects on the environment is a major step towards solving these problems. The study found that without proper control over land use and transparency in land management, the environmental consequences can be irreparable. Increasing knowledge of such risks is essential for formulating an effective strategy for sustainable development and environmental protection.

Further studies should focus on the investigation of concrete cases of corruption in the land sector, analysing their consequences for the economy and the environment at the local level. It is also necessary to develop effective models for electronic monitoring of land use and assess the influence of various anti-corruption measures on environmental safety.

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References

- [1] Borodina, O., & Prokopa, I. (2021). Public interests and human rights under the agricultural land market turnover: An experience for Ukraine. *Ekonomika APK*, 28(7), 63-75. [doi: 10.32317/2221-1055.202107063](https://doi.org/10.32317/2221-1055.202107063).
- [2] Bozhenko, V., & Gerasimenko, V. (2022). Modelling the impact of natural resource endowment on the rate of corruption. *Innovative Economy*, 2-3, 16-20. [doi: 10.37332/2309-1533.2022.2-3.3](https://doi.org/10.37332/2309-1533.2022.2-3.3).
- [3] Brigadier, I.V., & Panova, I.V. (2021). [Free land for private farming as a source of corruption risks](#). In *Collection of materials of the international scientific and practical conference* (pp. 61-63). Kharkiv: Kharkiv National University of Internal Affairs.
- [4] Burak, M. (2021). [Corruption risks in the field of land relations](#). In *Theses of the first all-Ukrainian scientific and practical conference (28 October 2021). Actual problems of preventing and combating corruption* (pp. 59-61). Kyiv: National Academy of Internal Affairs.
- [5] Cahyadi, D., & Saptomo, A. (2024). Complexity of agrarian law regulations in disputes over unauthorized use of land. *Rechtsnormen Journal of Law*, 2(4), 389-399. [doi: 10.70177/rjl.v2i4.1692](https://doi.org/10.70177/rjl.v2i4.1692).

- [6] Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text>.
- [7] De Schutter, O. (2016). *The report tainted lands: Corruption in large-scale land deals*. Retrieved from https://gw.cdn.ngo/media/documents/Tainted_Lands_Report_FINAL.pdf.
- [8] Decision of the Economic Court of Volyn Region in Case No. 903/1333/23. (2024, February). Retrieved from https://youcontrol.com.ua/en/catalog/court-document/117471088/?utm_source=.
- [9] Decision of the Rakhiv District Court of Zakarpattia Region No. 114421150. (2023, October). Retrieved from https://youcontrol.com.ua/en/catalog/court-document/114421150/?utm_source=chatgpt.com.
- [10] Department for the Prevention and Detection of Corruption. (2021). *Land corruption: Top 30 corruption risks and ways to overcome them*. Retrieved from https://nazk.gov.ua/wp-content/uploads/2021/02/30_antikor_land.pdf.
- [11] Gaida, T. (2020). *Problems of application of legislation and corruption factors in the field of land allocation without land auctions for housing construction and service cooperatives: An analytical study*. Kyiv: Interdisciplinary Anti-Corruption Research and Education Centre of the National University of Kyiv-Mohyla Academy.
- [12] Golovko, L., Gulac, O., & Vysotskyi, V. (2021). Legal regulation of taxation of agricultural activity in EU member states. *Social and Legal Studies*, 4(3), 169-175. doi: 10.32518/2617-4162-2021-3-169-175.
- [13] Hao, Y., Xu, L., Guo, Y., & Wu, H. (2022). The inducing factors of environmental emergencies: Do environmental decentralization and regional corruption matter? *Journal of the Environment Management*, 302, article number 114098. doi: 10.1016/j.jenvman.2021.114098.
- [14] Judgement of the Dnipropetrovsk District Court of Dnipropetrovsk Region in Case No. 175/3917/16-к. (2017, October). Retrieved from <https://reyestr.court.gov.ua/Review/70061792>.
- [15] Klochko, A.M., & Kishinets, Y.A. (2022). The state of research in science on the problem of criminal legal protection of the sphere of land relations in Ukraine. *International Scientific Journal "Internauka". Series: Legal Sciences*, 12. doi: 10.25313/2520-2308-2022-12-8464.
- [16] Kravchuk, M., & Lavriv, I. (2022). The essence of corruption and the main ways to overcome it in Ukraine. *Actual Problems of Law*, 3, 31-36. doi: 10.35774/app2024.04.
- [17] Kurylo, V.I., & Dubchak, L.M. (2021). On the issue of ways to overcome corruption in Ukraine. *Law and Public Administration*, 1, 196-201. doi: 10.32840/pdu.2021.1.29.
- [18] Land Code of Ukraine. (2001, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/2768-14#Text>.
- [19] Law of Ukraine No. 2322-IX "On the Principles of State Anti-Corruption Policy for 2021-2025". (2022, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2322-20#Text>.
- [20] Law of Ukraine No. 552-IX "On Amendments to Certain Legislative Acts of Ukraine Regarding the Turnover of Agricultural Land". (2020, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/552-20#Text>.
- [21] Law of Ukraine No. 711-IX "On Amendments to Certain Legislative Acts of Ukraine on Land Use Planning". (2020, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/711-20#Text>.
- [22] Law of Ukraine No. 963-IV "On State Control Over the Use and Protection of Land". (2003, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/963-15#Text>.

- [23] Mizrahi, S., & Krup, D.N. (2025). Institutional trust, corruption, and democracy: Relationships based on people's perceptions worldwide. *Political Studies*. doi: [10.1177/00323217251318788](https://doi.org/10.1177/00323217251318788).
- [24] Pomaza-Ponomarenko, A.L. (2023). Anti-corruption public administration measures in the use of land and other natural resources in Ukraine. *Current Issues in the Field of Public Administration*, 37, 144-145. doi: [10.32782/pma2663-5240-2023.37.27](https://doi.org/10.32782/pma2663-5240-2023.37.27).
- [25] Resolution of the Cabinet of Ministers of Ukraine No. 220 "On Approval of the State Anti-Corruption Programme for 2023-2025". (2023, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/220-2023-n#Text>.
- [26] Rykovska, O. (2021). Corruption risks in the sphere of land relations and directions of their minimization. *Ekonomika APK*, 28(7), 75-87. doi: [10.32317/2221-1055.202107075](https://doi.org/10.32317/2221-1055.202107075).
- [27] Sapich, V., & Sapich, N. (2021). [Economic consequences of corruption in Ukraine and factors of their overcoming](#). In *Collection of materials of the International scientific and practical conference* (pp. 52-54). Kharkiv: Kharkiv National University of Internal Affairs.
- [28] Sira, A.V. (2019). Regarding to the analysis of the concept of land-related corruption. *Current Issues of National Jurisprudence*, 6, 104-107 doi: [10.15421/3919104](https://doi.org/10.15421/3919104).
- [29] Tawiah, V., Zakari, A., & Alvarado, R. (2024). The impact of corruption on green growth. *Environment, Development and Sustainability*, 26, 10429-10459. doi: [10.1007/s10668-023-03152-w](https://doi.org/10.1007/s10668-023-03152-w).
- [30] Tax Code of Ukraine. (2010, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/2755-17#Text>.
- [31] The case of theft of land from the National Academy of Sciences of Ukraine. (2019). Retrieved from <https://nabu.gov.ua/news/novyny-sprava-rozkradannya-zemel-naan-ukrayiny-0/>.
- [32] Trepak, V.M. (2020). [Theoretical and applied issues of preventing and combating corruption in Ukraine](#). (PhD dissertation, V.M. Koretsky Institute of State and Law of the National Academy of Sciences of Ukraine, Kyiv, Ukraine).
- [33] Tylchyk, V., & Shpak, N. (2023). Concept and features of corruption in the national infrastructure, geospatial data, land relations and land management. *Scientific Notes of Taurida National V.I. Vernadsky University. Series: Juridical Sciences*, 34(3), 120-127. doi: [10.32782/TNU-2707-0581/2023.3/21](https://doi.org/10.32782/TNU-2707-0581/2023.3/21).
- [34] USAID Agricultural and Rural Development Program (ARDP). (2024). Retrieved from <https://organic-platform.org/usaaid-agro/>.
- [35] USAID AGRO to allot 5.6 mln hryvni to Ukraine for fighting corruption, hostile takeovers in land relations. (2024). Retrieved from https://interfax.com/newsroom/top-stories/99710/?utm_source=.
- [36] Vasiliev, P. (2025). *Dnipro City Council illegally transferred land for development, violating environmental regulations and Ukrainian legislation*. Retrieved from https://blog.liga.net/user/pvasyliiev/article/55914?utm_source=.
- [37] Wiyono, Purnomo, E.P., & Linayati, L. (2023). Culture of corruption in the smart service system of global governance. *Chinese Public Administration Review*, 14, 159-169. doi: [10.1177/15396754231185320](https://doi.org/10.1177/15396754231185320).

Вплив корупційних ризиків у сфері земельних відносин на навколишнє природне середовище

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Анотація

Актуальність обраної теми зумовлена тим, що аналіз корупційних ризиків у сфері земельних відносин дозволяє виявити реальні недоліки та прогалини в чинному законодавстві. Якщо ці проблеми залишити невирішеними, це сприятиме подальшому розвитку корупції в Україні, яка є аграрною державою. Усунення цих ризиків є ключовим кроком до забезпечення прозорості та ефективного управління земельними ресурсами, що має вирішальне значення для сталого розвитку країни. Метою дослідження став комплексний аналіз впливу корупційних ризиків, визначених в межах стратегічних законодавчих актів у сфері запобігання корупції на сферу довкілля. У дослідженні було використано такі методи як: системно-структурний, формально-логічний та компаративний. Результати дослідження показали, що корупція у сфері земельних відносин є глобальною проблемою, характерною для багатьох країн світу, включно з Україною. Встановлено, що корупція в цій сфері спричиняє нераціональне використання земель, що негативно впливає на аграрний потенціал держави. Підкреслено необхідність впровадження ефективних заходів для мінімізації корупційних ризиків, зокрема: заміни процедури безоплатної приватизації земельних ділянок на альтернативні форми

соціальної підтримки населення; встановлення чітких ринкових ставок орендної плати за землі державної та комунальної власності; а також завершення необхідних етапів для повного переходу до електронного оформлення земельних ділянок. Зроблено висновок, що боротьба з корупцією у сфері земельних відносин має розглядатися не лише як економічний пріоритет, але й як критично важливий інструмент захисту довкілля. Дослідження корупційних ризиків у сфері земельних відносин та їхнього впливу на довкілля має важливе практичне значення для розробки антикорупційних механізмів, забезпечення прозорості землекористування та захисту екологічної рівноваги. Його результати сприятимуть удосконаленню правового регулювання, впровадженню громадського контролю та мінімізації негативних екологічних наслідків незаконного використання земельних ресурсів

Ключові слова: корупція; земля; землекористування; земельна ділянка; довкілля; антикорупційна стратегія; земельна реформа



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Administrative and legal regulation of urban planning activities of local government bodies

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Abstract

The relevance of the chosen topic lies in the increasing delegation of both own and delegated powers to local government bodies in the field of urban planning activities. This study aimed to conduct a comprehensive legal analysis of the urban planning activities of local government bodies and the impact of such activities on the state of the surrounding natural environment. The research utilised formal-logical, prognostic, and systemic-structural methods. The results obtained indicate that the urban planning activities of local government bodies comprise a set of actions and decisions undertaken by these bodies in prescribed forms using appropriate methods and legal instruments. The activities are aimed at coordinating the actions of participants in urban planning legal relations to create the most comfortable and convenient living environment for people. The effectiveness of urban planning activities by local government

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bodies largely depends on their ability to integrate ecological priorities into management processes at all stages of planning and project implementation. The conducted research confirms that the implementation of strategic environmental assessment (SEA) should not only ensure compliance with legislative requirements but also fulfil a predictive function in assessing risks to the environment and public health. In the current context of increasing anthropogenic pressure, urbanisation stress, and environmental challenges caused by the consequences of war, such assessment is a key element in ensuring the sustainable development of territories. It enables not only the minimisation of potential negative impacts of urban planning activities but also promotes the development of a responsible approach to natural resources by local authorities, developers, and the public. The findings of this study may be utilised in the development of legislative acts in the field of spatial and urban planning activities

Keywords: local council; powers; natural environment; administration; environmental assessment

Introduction

In the current context of active local government reform, a key focus is the development of urban planning activities aimed at the continued progress of towns and villages. The course of the reform of territorial governance and local self-government in Ukraine, based on the principles of decentralisation and subsidiarity, confirms the appropriateness of the chosen direction (Concept of reforming local, 2014), which is focused on transferring powers and resources to the basic level of the administrative-territorial structure. As a result, an increasing number of functions are being devolved to the local level, with local government bodies responsible for securing funding to ensure effective implementation.

It is important to note that the clearance of areas damaged by missile strikes and other aggressive actions against Ukrainian cities remains a significant challenge for military reconstruction. The destruction caused by the war has led to the contamination of territories and the destruction of industrial zones, some of which have been relocated to safer regions (Brynzanska, 2024). Consequently, especially in large cities, the issue of brownfields – abandoned industrial sites, mostly found in the eastern and southern regions of the country – is becoming more pressing. Therefore,

post-war urban planning, to be carried out by local government bodies, must be based on principles of ecological restoration aimed at environmental recovery and the sustainable use of resources. In the context of post-war reconstruction, effective regulatory frameworks should become a key factor in attracting foreign investment, preserving cultural heritage, and creating new, comfortable living spaces (Hrybov, 2024).

The issue of administering urban planning powers by local government bodies is actively researched by both Ukrainian and international scholars. According to the studies of E. Kubejko-Polanśka (2019), the adaptation of cities to changes in demographic structure poses new challenges for urban planning policy, particularly the creation of a comfortable environment for the elderly, which requires a comprehensive strategic approach. Research by O. Dovbnya (2020) and M. Mykhalyova (2023) analysed the legislative framework in the fields of urban planning and architecture, identifying a range of problems related to the provision of administrative services in the urban planning sector and legislative restrictions on land use, as well as highlighting the lack of improved management approaches. I. Lopushynskyi *et al.* (2022) also noted that twenty years of

local government system development in Ukraine have revealed its inefficiency. The main cause was the inability of territorial communities to ensure the sustainable development of their territories, create a fully functional living environment, and provide high-quality social services to the population. According to S. Zapara *et al.* (2020), responsible local-level governance will become possible only if local authorities are granted the necessary powers and resources to effectively perform their functions and implement territorial community development programmes. An important component of such programmes must be environmental management. The aspect of strategic environmental assessment (SEA) was addressed by M. Mykolaichuk (2021), who proposed a new methodology that could be applied to enhance the effectiveness of state governance in sustainable development.

A. Bokolo (2024) noted that effective community engagement in smart cities is based on the use of digital platforms, collaborative planning, participatory governance, and open data. Key tools include the gamification of urban services, support for local initiatives, and the implementation of inclusive technologies. These tools contribute to the creation of a sustainable, socially inclusive urban environment and improve interaction between authorities and residents. An important aspect highlighted by O. Zaiets *et al.* (2024) is that natural and financial resources gained through decentralisation provide a substantial material basis for the development of territorial communities. From an environmental perspective, residents of each community have a primary interest in the rational use and preservation of natural resources. This approach has been termed “environmental decentralisation” in the academic literature. However, P.Yu. Mashika *et al.* (2024) identified that current Ukrainian legal and regulatory acts are often advisory in nature, allowing for the lobbying of specific group interests without adequate consideration of environmental safety.

Directions for improving the legal regulation of permitting activities in the urban planning sector were proposed by V.P. Leshchynsky (2024).

Despite a large number of scientific studies dedicated to various aspects of the urban planning activities of local government bodies, the issue of their impact on the natural environment remains insufficiently explored. Given climate change and the consequences of active hostilities in Ukraine, this topic is becoming especially relevant and requires thorough analysis. This study aimed to conduct a comprehensive administrative and legal analysis of the activities of local government bodies in exercising their own and delegated powers in the field of urban planning, through the lens of their impact on the natural environment caused by such activities. The study focused on the following objectives: defining the concept, main characteristics, and essence of the urban planning activities of local government bodies; analysing administrative documents that record the outcomes of these activities; assessing the impact of urban planning processes on the environment; and substantiating the need for strategic environmental assessment.

Materials and Methods

The research was based on a systemic approach, which allows urban planning activities of local government bodies to be viewed as a multi-level interconnected system. This approach provided a comprehensive understanding of the interaction between legal, administrative, and environmental factors influencing the management of territorial development. Thanks to the systemic approach, the study examined how legal mechanisms combine with practical administrative decisions and environmental requirements for sustainable development.

Several methods were employed in the course of the research. Primarily, a thorough analysis of the legal framework regulating urban planning activities in Ukraine was conducted. The

provisions of the following laws were examined: Law of Ukraine No. 2354-VIII "On Strategic Environmental Assessment" (2018), Law of Ukraine No. 858-IV "On Land Management" (2003), Law of Ukraine No. 3038-VI "On the Regulation of Urban Development Activities" (2011), Law of Ukraine No. 2780-XII "On the Basics of Urban Planning" (1992), and Law of Ukraine No. 280/97-BP "On Local Self-Government in Ukraine" (1997). This analysis made it possible to identify the legal approaches to regulating territorial planning and development, reveal gaps and contradictions in the legislation, and outline the legal grounds for the activities of local government bodies in the relevant field.

Functional analysis was employed to assess the effectiveness of local government bodies in exercising their powers in the field of urban planning. The study focused on actual administrative decisions documented in urban planning materials, such as master plans, zoning plans, and detailed territorial plans. This method enabled the identification of practical outcomes resulting from the implementation of legislative requirements and the evaluation of the conformity of decisions made with the principles of balanced development.

Results and Discussion

Concept, characteristics, and essence of urban planning activities of local government bodies. Before defining the concept of urban planning activities of local government bodies, it is necessary to distinguish between two key terms: "construction" and "urban planning". The term "construction" encompasses a wide range of activities involving various stages of creation, reconstruction, and demolition of structures. The main aspects of construction include:

1) construction works – covering earthworks, the erection of new buildings and structures, structural modifications of existing objects, restoration, major and routine repairs (including cleaning,

painting, insulation), as well as the demolition and dismantling of buildings and structures of any type.

2) civil engineering – encompassing large-scale infrastructure projects such as earthworks, the construction and reconstruction of airports, sea and river ports, dams, coastal protective structures, roads and railways, bridges, tunnels, viaducts, as well as communication networks, water supply, sewage, energy supply, and drainage systems.

3) assembly and disassembly of structures – this includes the installation or disassembly of buildings and structures composed of factory-made modular elements, as well as the on-site production of prefabricated constructions directly at the construction site (Convention concerning Safety and Health in Construction, 1988).

Detailing the concept of construction allows for a clearer distinction from urban planning, which encompasses a broader process of spatial planning, territorial development, and the organisation of functional environments to support the population's livelihood.

In Ukrainian, the term "urban planning" literally consists of two components: "city" and "construction". According to the Dictionary of the Ukrainian Language (n.d.), "city" refers to a large populated settlement that functions as an administrative, industrial, commercial, and cultural centre. The word "construction" reflects the action associated with erecting or constructing buildings or creating and organising something. However, as scholars emphasise, the use of the word "city" in this compound term limits the meaning of "urban planning" solely to the construction of cities. This is inaccurate, as the concept of "urban planning" includes not only the design and construction of structures within cities but also the development of other types of settlements and territories of smaller scale, such as towns or urban agglomerations. Thus, "urban planning" goes beyond the literal understanding of the word "city," encompassing wider aspects of territorial planning and organisation.

N. Bondarieva (2008), analysing the concept of construction, offers a comprehensive definition: construction is the process of erecting buildings and structures, which includes the creation of new facilities as well as the expansion, reconstruction, and technical re-equipment of existing enterprises and structures in both the industrial and non-industrial sectors. It encompasses the entire cycle of construction works – from design and site preparation to the commissioning of the facility. Construction is also an economic activity involving forecasting, planning, the building of urban development projects, land improvement, and the modernisation of enterprises, ensuring the erection and reconstruction of residential, public, and industrial facilities. At the same time, it provides the foundation for the development of all other sectors of the national economy.

Equally important is the distinction between the concepts of “urban planning activity” and “construction activity”. The latter, in administrative and legal science, is regarded as a complex branch of economic activity aimed at ensuring the erection of new, and the reconstruction and repair of existing, industrial facilities, residential buildings, cultural, domestic, and administrative buildings and structures (Okolovich, 2018).

According to Article 1 of the Law of Ukraine No. 2780-XII (1992), the term “urban planning activity” is equated with “urban planning” and is defined as a purposeful activity aimed at creating and maintaining a comfortable living environment. This activity is carried out by state bodies, local self-government authorities, enterprises, institutions, organisations, citizens, and their associations. The main aspects of urban planning activity include: forecasting the development of settlements and territories; planning, development, and other uses of land resources; designing and constructing urban planning facilities; erecting other buildings and structures; reconstructing historic settlements while preserving their

traditional appearance; restoring and rehabilitating cultural heritage sites; and creating and developing engineering and transport infrastructure. This set of measures is aimed at ensuring the harmonious development of territories, taking into account their historical and cultural value as well as the contemporary needs of society. Thus, urban planning activity encompasses a comprehensive range of actions focused on ensuring the balanced development of territories and comfortable living conditions for the population (Law of Ukraine No. 2780-XII, 1992).

Local self-government bodies play a key role in ensuring the well-being of the population and in implementing urban planning activities. According to an analysis of Parts 1 and 2 of Article 10 of the Law of Ukraine No. 280/97-BP (1997), two main groups of local self-government bodies can be identified. The primary groups of local self-government bodies in Ukraine are rural, settlement, and city councils, as well as regional and district councils. Rural, settlement, and city councils represent their respective territorial communities, performing local self-government functions on their behalf and in their interests. They operate on the basis of the Constitution of Ukraine, laws, and other regulatory legal acts. Regional and district councils, in turn, represent the common interests of territorial communities of villages, settlements, and cities within their powers. Additionally, they exercise powers delegated to them by rural, settlement, and city councils.

As key subjects of authority at the territorial community level under the principle of decentralisation, local self-government bodies develop local policy and organise its implementation to promote the development of the local socio-economic sphere. Since the onset of the full-scale Russian invasion, local self-government bodies have faced increased burdens, both in the form of additional responsibilities previously not assigned to them and in terms of increased financial costs (Munko *et al.*, 2024).

Thus, local self-government bodies ensure effective territorial management, promote sustainable socio-economic development and are responsible for creating a comfortable, safe, and favourable living environment for citizens. As the public authority closest to the population, they are the first to respond to the immediate needs of residents, addressing issues such as public amenities, utilities, education, healthcare, social protection, and more. The presence of financial autonomy, elected bodies, and legislatively defined powers enables them to implement their own development strategies, taking local specificities into account. In this context, local self-government serves not only as a management tool but also as an important form of civic participation, contributing to the strengthening of democracy at the grassroots level (Law of Ukraine No. 280/97-BP, 1997).

Executive bodies of local councils play a distinct role within the system of local self-government, handling the majority of issues arising in the daily functioning of territorial communities. Their activities focus on managing key areas that require continuous and professional oversight. The main areas of work for executive bodies include: 1) social and welfare support – assisting vulnerable groups and organising social services; 2) housing and communal services – managing infrastructure, maintaining public amenities, water supply, and energy provision; 3) education – developing pre-school, general education, and extra-curricular institutions; 4) healthcare – organising medical services and supporting hospitals and clinics; 5) other sectors, including those related to urban planning activity, spatial planning, and territorial growth. Thus, the executive bodies of local councils play a crucial role in ensuring the stable functioning of communities and creating favourable conditions for their development.

According to Part 1 of Article 1 of the Law of Ukraine No. 280/97-BP (1997), executive bodies

of local self-government are entities established by village, settlement, and city councils, as well as district councils within cities (where established), to carry out the executive functions and powers of local self-government. Their activities are governed by the Constitution of Ukraine, the relevant law, and other regulatory legal acts. Executive bodies play a key role in ensuring the functioning of territorial communities, as they are responsible for implementing the decisions of local councils and executing policies aimed at meeting the needs of community residents.

Thus, urban planning activities of local government bodies constitute a set of interconnected actions and decisions undertaken by authorised entities in forms prescribed by legislation. These activities are carried out using specialised methods and legal instruments, aimed at creating a comfortable and functional living environment. The primary goal of this activity is to ensure the effective organisation of urban planning processes and the coordination of all participants in urban planning legal relations. The main characteristics of urban planning activities by local self-government bodies are: systematic nature – involving a complex of interconnected operations and actions; formalisation – implemented in prescribed forms and through specified methods; purposefulness – involving the use of means and methods to achieve specific objectives such as design, development, and regulation of territories; social utility – focused on creating a comfortable and safe environment for living, working, and recreation. This activity is an integral part of the functions of local self-government bodies and plays a crucial role in ensuring the harmonious development of territorial communities.

Administrative documents defining the urban planning activity of local government bodies. It is important to emphasise that administrative law, as a branch of public law, regulates social relations that arise exclusively between

people, as these interactions form the basis of social life. Such relations may have either a public or a private legal nature. Public law is a component of the legal system aimed at protecting the common good and state interests. It defines the powers of authorities, regulates their organisational and executive activities, and ensures the implementation of socially significant goals and objectives. In the field of construction, public law encompasses a wide range of social relations subject to administrative and legal regulation. This includes management of territorial planning, control over compliance with building regulations, issuance of permits, and other aspects that ensure the effective development of urban and infrastructure policy. This is due to: 1) the social importance of construction as a sector affecting people's living, working, and safety conditions; 2) the risks of harm to the rights and legitimate interests of individuals and legal entities during construction activities. The public aspect of construction activities is extremely important, as it is through administrative

and legal mechanisms that compliance with norms and standards protecting society's interests is ensured (Rudanetska & Berezhnytska, 2024).

The tasks of administrative and legal regulation in the field of construction involve achieving a balance between private and public interests. This requires establishing clear rules that, on the one hand, ensure the efficiency and safety of construction, and on the other, guarantee the protection of the rights and freedoms of participants in construction legal relations.

In this context, urban planning documentation falls under the category of administrative documents of local government bodies in the field of urban planning. It consists of approved textual and graphical materials that regulate the rational use of territories, including: – establishing the boundaries of settlements; – planning and development of territories; – resolving issues related to the transfer of land plots into ownership or use. Urban planning documentation is developed at various levels, which can be presented in Table 1.

Table 1. Levels of urban planning documentation and their functional characteristics

Level of urban planning documentation	Characteristics
State level	Concerns issues of national significance, such as strategic territorial planning
Regional level	Covers territorial planning at the level of regions or districts
Local level	Includes general plans of settlements, which define the strategy for territorial development; zoning plans, which regulate the functional use of land; detailed territorial plans, which set building parameters for specific areas; as well as urban planning documentation of amalgamated territorial communities, which ensures comprehensive territorial development considering socio-economic and infrastructure needs

Source: developed by the authors

Requirements for the preparation of General Plans for settlements are set out in the State Building Regulations (DBN) B.1.1-15:2012 "Composition and Content of the General Plan of a Settlement" (Order of the Ministry of Regional Development, 2012). According to Clause 4.3 of this DBN, the general plan of a settlement is a key urban planning document that defines the

main principles and directions for territorial development. It covers the following aspects: 1) territorial planning and functional designation – zones are established based on community needs and strategic development priorities; 2) public service system – development of social infrastructure facilities such as schools, hospitals, cultural institutions, and others is

ensured; 3) organisation of street, road, and transport networks – designed to optimise the movement of vehicles and pedestrians; 4) engineering infrastructure and site preparation – includes the development of communications, water supply, sewage, electricity and gas supply, as well as landscaping measures; 5) civil protection – measures are developed to safeguard the territory and population from natural and man-made hazards; 6) environmental protection – measures are defined for the preservation and restoration of natural resources; 7) cultural heritage protection – includes the preservation of historical and cultural sites and the traditional character of the environment in historic settlements; 8) implementation sequence – the order and phases of territorial development are established to ensure gradual progress.

The general plan is a strategic document that ensures the harmonious and balanced development of a settlement, taking into account both the current needs of the community and future development prospects (Moroz, 2019). Most Ukrainian cities have general plans; however, only around 25% of these were developed after 2011, making them currently relevant. The situation with general plans for villages and settlements is even more challenging: only 72% of these settlements have approved general plans, and just 7.5% of them were created after 2011 (Draft Law of Ukraine No. 6540, 2017).

For example, the existing General Plan for Kyiv (Kyiv City Council Decision No. 370/1804, 2002) was extended until 2020 from 2010. However, the development and presentation of a new General Plan for Kyiv have been delayed due to a range of objective and subjective factors. Objective factors include the consequences of the COVID-19 pandemic and the ongoing martial law across Ukraine. Subjective factors relate to organisational and technical difficulties, particularly the need to address new urban planning

challenges arising from changing socio-economic conditions. Updating general plans is crucial for the balanced development of territories, rational resource use, and meeting the current needs of communities. This issue has become especially important given the contemporary challenges facing Ukraine.

An important administrative document is the detailed territorial plan – an urban planning documentation that defines the spatial organisation and development of an area on a detailed scale, allowing for the precise location of individual buildings and structures. The preparation of such plans is provided for in Article 19 of Law of Ukraine No. 3038-VI (2011).

The demand for detailed territorial plans in Ukraine arises from the fact that, according to Article 24 of the same Law, it is impossible to transfer state or municipal land plots into ownership or use by individuals or legal entities for urban development purposes without an approved zoning plan or detailed territorial plan (Law of Ukraine No. 3038-VI, 2011). These requirements have resulted in the practice of preparing detailed plans solely for those areas where land plots are planned to be allocated from state or municipal lands.

Another important document is the zoning plan – urban planning documentation that establishes conditions and restrictions for land use within defined zones of settlements for urban development purposes. The preparation of such plans is stipulated by Article 18 of Law of Ukraine No. 3038-VI (2011). As of 2025, only around 20% of cities in Ukraine have zoning plans, indicating considerable potential for improving urban planning and the rational use of territories.

According to Laws of Ukraine No. 3038-VI (2011), No. 280/97-BP (1997), and No. 2780-XII (1992), the procedure for developing urban planning documentation commissioned by local authorities and self-government bodies involves several key stages. Initially, a decision is made regarding

the necessity of preparing the documentation, and the commissioning parties are identified. Following this, a public announcement is made about the commencement of development or amendments, and the developer is provided with an updated cartographic base along with initial data concerning the location of objects of state and regional significance. A crucial part of the process is the public hearings, which ensure the consideration of residents' interests. Subsequently, the project is coordinated with the local self-government bodies representing adjacent territorial communities, submitted for review to the architectural and urban planning council, and undergoes an expert examination by a specialised organisation. The final stage is the approval of the urban planning documentation. Moreover, the development of urban planning documentation at all levels is the responsibility of the relevant executive authorities and local self-government bodies, who are accountable for effective and balanced territorial planning. This process facilitates the rational use of land resources, infrastructure development, and the creation of a comfortable environment for residents.

In conclusion, administrative documents regulating the urban planning activities of local government bodies consist of approved textual and graphical materials related to the rational use of territories within a specific settlement where the respective local authority operates. Such documents include the general plan of the settlement, the detailed territorial plan, the zoning plan, the comprehensive spatial development plan of the territorial community, and others. It is also important to note that the post-war reconstruction of Ukraine will be accompanied by a reassessment and revision of the forecasts and prospects set out in the current General Scheme for Territorial Planning of Ukraine. This will be driven by factors such as population migration, the relocation of industrial enterprises, and the need to implement new approaches to urban

infrastructure in the post-war period. These circumstances will necessitate the updating of all types of urban planning documentation across various levels of administrative and planning activities, including the development of modern solutions aimed at ensuring the sustainable development of territories and their adaptation to new conditions.

The impact of urban planning activities by local self-government bodies on the natural environment and the importance of applying strategic environmental assessment. Any changes in the field of urban planning inevitably affect the surrounding natural environment. Under the current economic policies of Ukraine and developed countries worldwide, participants in urban planning activities must have comprehensive information about the potential environmental consequences of their activities. An environmentally unoptimised project can cause significant socio-economic and ecological damage. Construction and urban planning are clear examples of human activities that often have a serious negative impact not only on individual components of the natural environment and their preservation but also on the overall resilience of ecosystems.

In recent years, Ukraine's environmental challenges have reached unprecedented levels due to the armed aggression of the Russian Federation. Military actions, the use of weapons prohibited by international law, and large-scale destruction, including the demolition of the Kakhovka Hydroelectric Power Plant, have led to a severe ecological crisis and ecocide across extensive areas of the country. The consequences of these events remain insufficiently studied, while their impact on the environment and public health continues to deepen (Ruvyn *et al.*, 2024).

Among the main factors contributing to environmental problems are insufficient public awareness of the importance of preserving the

natural environment and the benefits of balanced territorial and facility development, an imperfect system of environmental education and outreach, as well as a low level of local community engagement in addressing environmental issues and a lack of understanding of the potential role of local self-government bodies in ensuring environmental safety (Bespalova *et al.*, 2022).

In the current context, particular attention must be given to strategic environmental assessment (SEA), which should be integrated at all stages of urban planning documentation development. The Law of Ukraine No. 2354-VIII (2018) introduced the mechanism of strategic environmental assessment in Ukraine, a system that has long been successfully implemented in European Union countries. According to its provisions, all key documents, such as national programmes, urban planning documentation, and others, must undergo strategic environmental assessment. The purpose of this process is to consider potential environmental risks that may arise as a result of implementing specific decisions.

Strategic environmental assessment serves as a crucial tool for implementing the principles of sustainable development, as it allows environmental factors and risks to public health to be considered during the formation of state planning documents. This is particularly relevant for newly established territorial communities under decentralisation, as they have been granted extensive powers in spatial development and urban planning, necessitating the integration of environmental requirements at the early stages of decision-making (Reshetchenko & Shapovalov, 2022).

The law requires developers of urban planning and land management documentation to assess environmental impacts, including risks to public health. Special attention must be given to areas with protected status, where project implementation could have a significant environmental impact. This approach promotes the integration

of environmental considerations into state planning, ensuring sustainable development and the protection of the natural environment.

Ukrainian legislation requires developers of urban planning and land management documentation to consider the environmental consequences of project implementation, including assessing risks to public health and the state of the environment. Particular attention should be paid to areas with protected status, where any intervention may cause significant adverse environmental changes. This approach supports the integration of environmental requirements into state planning, which is a vital component of sustainable development.

The assessment of the environmental impact of urban planning activities is comprehensively regulated by Law of Ukraine No. 3038-VI (2011) and Law of Ukraine No. 858-IV (2003). According to these laws, land management documents include land-use schemes and technical-economic justifications for land use, projects for the organisation of protected natural areas, health, recreational, historical and cultural zones, water fund lands, and other environmentally significant territories.

Contemporary urban planning practice has several shortcomings that hinder the implementation of environmentally safe solutions. One of the main issues is the fragmentation and inconsistency of legislation, which often contains declarative provisions without mechanisms for their enforcement. The lack of adequate oversight in enforcing environmental requirements leads to violations and the lobbying of commercial interests, contradicting the principles of sustainable development. The procedure for strategic environmental assessment (SEA) is frequently carried out formally, without genuinely influencing decision-making. The situation is further complicated by a low level of environmental awareness among urban planning developers, as well as weak public oversight, which limits the ability of local residents to influence the adoption of environmentally safe decisions.

To address these problems, it is necessary to improve legislation by harmonising it with European standards, introducing clear criteria for environmental assessment, and establishing accountability for non-compliance. Strengthening control over adherence to environmental requirements can be achieved through independent audits of urban planning documentation and the introduction of mandatory environmental inspections. Expanding the practice of strategic environmental assessment with the involvement of independent experts and the application of modern environmental forecasting methods is crucial. Promoting environmental knowledge among architects and developers, particularly through educational programmes and professional development courses, will encourage a more responsible approach to urban planning. At the same time, enhancing the role of the public by creating open online platforms for project discussions and involving environmental organisations in monitoring urban planning activities will increase the transparency of the process.

In the context of increasing urbanisation and escalating environmental challenges, the integration of ecological principles into urban planning is an urgent necessity. Implementing a comprehensive approach that combines legislative, administrative, and public mechanisms will support the sustainable development of cities and the preservation of the natural environment for future generations.

Thus, it can be concluded that any urban planning activity inevitably impacts the surrounding environment, making the mandatory strategic environmental assessment (SEA) a crucial stage in the planning process. This procedure involves the description, analysis, and forecasting of potential environmental consequences arising from the implementation of urban planning documentation, including its effects on the environment, natural resources, and public health. The assessment also considers alternative options for the planned

activity to minimise negative impacts. Conducting a strategic environmental assessment not only helps prevent potential ecological risks but also ensures more rational use of natural resources, supports ecosystem balance, and protects public health. Furthermore, this assessment promotes transparency and incorporates public opinion, which is an important factor in achieving sustainable territorial development and implementing effective solutions in the field of urban planning activities.

Discussion

The administration of urban planning activities by local self-government bodies is a subject of active research in both Ukrainian and international academic circles. For instance, O. Dovbnya (2020) highlights the shortcomings of the management structures within local self-government bodies in the urban planning sector, as well as the insufficient effectiveness of administrative services. The conclusions drawn by the author are entirely relevant, as they coincide with the findings of this study, which also identified systemic issues in the implementation of urban planning documentation, particularly regarding compliance with environmental requirements.

Meanwhile, the views of A. Bokolo (2024) on the importance of digital platforms and participatory governance in creating a sustainable urban environment partially align with this research's emphasis on public involvement in environmental monitoring. However, in the Ukrainian context, tools such as gamification and inclusive technologies remain sporadic, largely due to limited digital infrastructure at the local level and low environmental awareness among residents.

The conclusions of I. Lopushynskyi *et al.* (2022) concerning the inability of many territorial communities to ensure effective self-governance are pertinent and consistent with the results of this study, especially in the context of weak implementation of strategic environmental assessment.

According to the authors of the current study, the cause of these discrepancies lies in the fragmented nature of legal regulation, as well as the absence of a proper mechanism for enforcing compliance with environmental requirements.

In this context, it is also appropriate to consider the conclusions of O.G. Kurchyn (2020), who emphasises the impact of decentralisation on the development of urban planning policy by local self-government bodies. He notes that the contemporary understanding of decentralisation encompasses not only the distribution of powers between central and local authorities but also the consideration of the vital interests of community members in spatial planning processes. Spatial planning understood as a broader concept compared to traditional urban planning, gains significant importance amid constitutional modernisation.

The approaches proposed by O. Zaiets *et al.* (2024) regarding environmental decentralisation are also worth supporting. Their findings confirm that the environmental component in urban planning requires deeper integration at the local government bodies' level. However, unlike the optimistic tone of the authors, this study found that in practice, environmental aspects are often overlooked due to weak public oversight and a formal approach to SEA.

In contrast, the findings of V.P. Leshchynsky (2024), who examines the legality of permitting activities, support conclusions about the need to improve legal mechanisms in the field of environmental control. Nevertheless, the author focuses primarily on the legal aspects of control and does not address the broader range of issues related to the actual impact of urban planning on the environment.

From an ecological perspective, the research of P.Yu. Mashika *et al.* (2024) is particularly noteworthy, as the authors argue for the necessity of introducing an "environmental imperative" into urban planning. These conclusions align fully with the results of this study, which also found

that environmental assessment should be a mandatory, rather than optional, component of urban planning documentation. The varying interpretations in current practice stem from the declarative nature of legislative provisions and the lack of effective enforcement.

The above confirms the existence of significant problems in the administration of urban planning activities by local self-government bodies, particularly concerning environmental control and the implementation of spatial planning. Insufficient effectiveness of legal mechanisms, a low level of digitalisation at the local level, and weak public engagement in monitoring environmental issues have been identified. Despite the presence of progressive approaches such as environmental decentralisation and the "environmental imperative", their implementation remains limited due to formalism and the declarative character of regulations. Therefore, improving the quality of urban planning requires the integration of ecological principles into local governance practices, strengthening control measures, and developing digital infrastructure.

Conclusions

The article examines the administrative and legal regulation of urban planning activities carried out by local self-government bodies in Ukraine. The primary aim was to identify the legal mechanisms that ensure effective management of urban planning processes at the local level, as well as to highlight shortcomings in the current regulatory framework and explore potential avenues for its improvement.

The study analysed the legislative foundation of urban planning regulation, with particular reference to the Laws of Ukraine "On the Regulation of Urban Development Activities" and "On Local Self-Government in Ukraine". It was found that local self-government authorities play a key role in territorial planning, construction control, and the

rational use of land. The stages of developing urban planning documentation and the procedure of strategic environmental assessment, which is a mandatory element of planning, were examined. Major issues in urban planning regulation were identified, including legislative fragmentation, insufficient public oversight, weak integration of environmental considerations into the planning process, and risks of corruption. Recommendations for improving regulation include harmonising national standards with European norms, strengthening control over urban planning documentation, and expanding public participation in decision-making.

The results obtained allow for the conceptualisation of the administrative and legal regulation of urban planning activities as a multi-level process encompassing regulatory frameworks, control mechanisms, public participation, and environmental considerations. The identified issues indicate the need for further legislative modernisation, particularly regarding the clear delineation of powers between state and local authorities in the field of urban planning.

References

- [1] Bespalova, O.V., Bespalov, S.I., & Prydanov, Y.O. (2022). The role of local self-government bodies in administrative and legal regulation of environmental safety. *Visnyk of V. N. Karazin Kharkiv National University. Series Ecology*, 26, 55-65. doi: [10.26565/1992-4259-2022-26-05](https://doi.org/10.26565/1992-4259-2022-26-05).
- [2] Bokolo, A. (2024). The role of community engagement in urban innovation towards the co-creation of smart sustainable cities. *Journal of the Knowledge Economy*, 15, 1592-1624. doi: [10.1007/s13132-023-01176-1](https://doi.org/10.1007/s13132-023-01176-1).
- [3] Bondarieva, N.D. (2008). Terminological study of the concept of "construction" in the economy of Ukraine. *Bulletin of Lviv University. Series of Economics*, 40, 47-50.
- [4] Brynzanska, O. (2024). Damage to the environment as a sign of genocide. *Scientific Journal of the National Academy of Internal Affairs*, 29(3), 42-52. doi: [10.56215/naia-herald/3.2024.42](https://doi.org/10.56215/naia-herald/3.2024.42).
- [5] Convention concerning Safety and Health in Construction. (1988, June). Retrieved from <https://zakon.rada.gov.ua/laws/term/2199>.
- [6] Dictionary of the Ukrainian language. (n.d.). Retrieved from <http://sum.in.ua/>.
- [7] Dovbnya, O.B. (2020). Challenges for the management of local self-government bodies in the context of urban planning reform. *Theory and Practice of Public Administration*, 2(69), 183-190. doi: [10.34213/tp.20.02.22](https://doi.org/10.34213/tp.20.02.22).

The study also emphasises the importance of implementing effective monitoring and evaluation mechanisms for the execution of urban planning projects, which would help reduce the negative environmental impact of urban planning activities and support the sustainable development of territories.

Future research could focus on analysing international experiences in urban planning regulation and the potential for their implementation in Ukraine, examining legal mechanisms for the digitalisation of urban planning documentation, and developing methodologies to assess the effectiveness of urban planning governance by local self-government bodies.

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Conflict of Interest

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- [8] Draft Law of Ukraine No. 6540 "On Amendments to Certain Legislative Acts of Ukraine on Improving the Investment Climate in Ukraine". (2017, June). Retrieved from <https://www.nssmc.gov.ua/documents/shtodo-proektu-zakonu-ukrani-pro-vnesennya-zmn-do-deyakih-zakonodavtchih-aktiv-ukrani-shtodo-polpshennya-nvestitsynogo-klmatu-v-u/>.
- [9] Hrybov, D.I. (2024). Development of regulatory and legal regulation of urban planning activities in Ukraine. *Legal Bulletin*, 2(12), 10-18. doi: 10.31732/2708-339X-2024-12-A1.
- [10] Kubejko-Polańska, E. (2019). The role of local self-government in stimulating urban development in the context of the construction of age-friendly cities and the concept of Silver Economy. *Nierówności Społeczne a Wzrost Gospodarczy*, 49(1), 216-267. doi: 10.15584/nsawg.2019.1.17.
- [11] Kurchyn, O.G. (2020). *Constitutional and legal support of local self-government bodies for urban planning activities: Problems of theory and practice*. (Doctoral dissertation, National Aviation University, Kyiv, Ukraine).
- [12] Kyiv City Council Decision No. 370/1804 "On Approval of the General Plan of the City of Kyiv and the Draft Planning of its Suburban Zone for the Period Until 2020". (2002, March). Retrieved from <http://kyiv-landuse.com/sites/default/files/Про%20затвердження%20Генерального%20плану%20міста%20Києва%20та%20проекту%20планування%20його%20приміської%20зони%20на%20період%20до%202020%20року.pdf>
- [13] Law of Ukraine No. 2354-VIII "On Strategic Environmental Assessment". (2018, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/2354-19#Text>.
- [14] Law of Ukraine No. 2780-XII "On the Basics of Urban Planning". (1992, November). Retrieved from <https://zakon.rada.gov.ua/laws/show/2780-12#Text>.
- [15] Law of Ukraine No. 280/97-BP "On Local Self-government in Ukraine". (1997, May). Retrieved from <http://zakon3.rada.gov.ua/laws/show/280/97-bp>.
- [16] Law of Ukraine No. 3038-VI "On the Regulation of Urban Development Activities". (2011, February). Retrieved from <https://zakon.rada.gov.ua/go/3038-17>
- [17] Law of Ukraine No. 858-IV "On Land Management". (2003, May). Retrieved from <https://zakon.rada.gov.ua/laws/show/858-15>.
- [18] Leshchynsky, V.P. (2024). *Administrative and legal principles for ensuring the legality of permitting activities in the field of urban development*. (Doctoral dissertation, National Aviation University, Kyiv, Ukraine).
- [19] Lopushynskiy, I., Hryhorieva, L., Kazyuk, Ya., Rushchenko, R., & Yatsenko V. (2022). *Mechanisms of administrative and territorial reform during the power decentralisation process in Ukraine*. *Ad Alta. Journal of Interdisciplinary Research*, 12(26), 95-100.
- [20] Mashika, P.Yu., Petretska, N.I., & Kovach, V.V. (2024). *The ecological imperative in the functioning of urban planning councils*. *Scientific Bulletin of the Uzhhorod National University. Series: Law*, 3(86), 163-168.
- [21] Moroz, A.M. (2019). *Urban planning documentation: Legislative requirements in the context of the problem of mass housing construction and the deficit in the construction of social infrastructure*. *Legal Scientific Electronic Journal*, 3, 84-88.
- [22] Munko, A.Yu., Li, D.V., & Tagachin, M.K. (2024). Peculiarities of the organisation of interaction between local government bodies and citizens under martial law in Ukraine. *Problems of Modern Transformations. Series: Law, Public Management and Administration*, 14. doi: 10.54929/2786-5746-2024-14-02-07.

- [23] Mykhalyova, M. (2023). Regulatory and legal regulation of establishing restrictions on land use in Ukraine. *Urban Planning and Territorial Planning*, 83, 211-218. doi: [10.32347/2076-815x.2023.83.211-218](https://doi.org/10.32347/2076-815x.2023.83.211-218).
- [24] Mykolaichuk, M. (2021). Strategic environmental assessment of the territory as a public management instruments for technological development. A case of Ukraine. *Environmental and Climate Technologies*, 25(1), 188-204. doi: [10.2478/rtuct-2021-0013](https://doi.org/10.2478/rtuct-2021-0013).
- [25] Okolovich, M.E. (2018). *Administrative and legal regulation of urban planning activities by local government bodies*. (Doctoral dissertation, Odesa, Odesa State University of Internal Affairs).
- [26] Order of the Cabinet of Ministers of Ukraine No. 333-P "Concept of Reforming Local Self-Government and Territorial Organisation of Power in Ukraine". (2014, April). Retrieved from <https://zakon.rada.gov.ua/go/333-2014-p>.
- [27] Order of the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine No. 358 "On Approval of DBN B.1.1-15:2012 "Composition and Content of the General Plan of a Settlement". (2012, July). Retrieved from <https://zakon.rada.gov.ua/rada/show/v0358858-12#Text>.
- [28] Reshetchenko, A.I., & Shapovalov, O.I. (2022). *Peculiarities of strategic ecological assessment of territories of settlement communities as a mechanism for promoting sustainable development. Geochemistry of Technogenesis*, 8, 52-58.
- [29] Rudanetska, O.S., & Berezhnytska, G.I. (2024). Administrative responsibility in the field of urban planning. *Analytical and Comparative Jurisprudence. Electronic Scientific Journal*, 1, 447-451. doi: [10.24144/2788-6018.2024.01.79](https://doi.org/10.24144/2788-6018.2024.01.79).
- [30] Ruvin, G., Dubova, O., & Snitko, M. (2024). Ensuring the environmental security of the state in the present conditions: Administrative and legal characteristics. *Legal Scientific Electronic Journal: Electronic Scientific Professional Journal*, 1, 300-303. doi: [10.32782/2524-0374/2024-1/66](https://doi.org/10.32782/2524-0374/2024-1/66).
- [31] Zaiets, O., Kovalenko, T., Shokha, T., Vlasenko, Y., & Pozniak, E. (2024). Ukrainian reform of state power decentralisation as a way to sustainable development: Ecological and legal aspects. In H. Arjjumend (Ed.), *Advances in environmental law* (pp. 425-470). Montreal, Vancouver: TGI Books. doi: [10.33002/enrlaw-333/c15](https://doi.org/10.33002/enrlaw-333/c15).
- [32] Zapara, S.I., Rohovenko, O., Tischenko, O., Kuznetsova, M., & Bondar, N. (2020). Problems of the exercise of powers by unified territorial communities under the decentralisation process in Ukraine. *International Journal of Management*, 11(6), 1569-1579. doi: [10.34218/IJM.11.6.2020.143](https://doi.org/10.34218/IJM.11.6.2020.143).

Адміністративно-правове регулювання містобудівної діяльності органів місцевого самоврядування

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Анотація

Актуальність обраної тематики полягає у тому, що органи місцевого самоврядування все більше наділяються власними та делегованими повноваженнями у сфері містопланувальної діяльності. Метою дослідження було здійснення комплексного правового аналізу містобудівної діяльності органів місцевого самоврядування та впливу такої діяльності на стан навколишнього природного середовища. У дослідженні були використані формально-логічний, прогностичний, системно-структурний методи. Отримані результати дослідження свідчать, що містобудівна діяльність органів місцевого самоврядування – це комплекс заходів і рішень, що здійснюються цими органами у визначених формах із застосуванням відповідних методів і правових інструментів. Вона спрямована на координацію діяльності учасників містобудівних правовідносин для створення найбільш комфортного та зручного середовища для життя людей. Ефективність містобудівної діяльності органів місцевого самоврядування значною мірою залежить від здатності цих органів інтегрувати екологічні пріоритети в управлінські процеси на всіх етапах планування та реалізації проєктів. Проведене дослідження підтверджує, що впровадження стратегічної екологічної оцінки (CEO) має не лише забезпечувати дотримання законодавчих вимог, але й виконувати прогностичну функцію щодо оцінки ризиків для навколишнього середовища та здоров'я населення. У сучасних умовах зростання антропогенного навантаження, урбанізаційного тиску та екологічних викликів, зумовлених наслідками війни, така оцінка є ключовим елементом у забезпеченні сталого розвитку територій. Вона дозволяє не тільки мінімізувати потенційні негативні наслідки містобудівної діяльності, а й сприяє формуванню відповідального підходу до природних ресурсів з боку органів місцевої влади, забудовників та громадськості. Матеріали цього дослідження можуть бути використані для опрацювання законодавчих актів у сфері містопланувальної та містобудівної діяльності

Ключові слова: місцева рада; повноваження; навколишнє природне середовища; адміністрування; екологічна оцінка



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Corporate social responsibility in agribusiness in the context of human rights protection in Eastern Europe

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Abstract

The purpose of this study was to analyse corporate social responsibility (CSR) in Eastern European agribusiness through the lens of human rights protection, particularly environmental and labour rights. The research methodology was based on an interdisciplinary approach, including the analysis of regulations, the study of international CSR standards, and an empirical analysis of the activities of agribusinesses in Ukraine, Romania, and the Czech Republic. The findings revealed that CSR implementation considerably contributes to the enjoyment of environmental rights, specifically the right to a clean environment. This is achieved through the rational use of natural resources, introduction of renewable technologies, and reduction of pollutant emissions. In the labour sphere, CSR protects the rights of employees by creating decent working conditions, preventing discrimination, and providing social guarantees such as health insurance

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and professional development. The analysis of large agricultural holdings, such as MHP (Ukraine), Trans-Oil (Romania), and Agrofert (Czech Republic), showed that companies actively integrate CSR into their business strategies, particularly in the area of employee rights protection, specifically through the creation of safe working conditions, social guarantees, and professional skills development. Therewith, the study revealed major barriers to systematic implementation of CSR in the context of human rights protection. The primary obstacles include insufficient state control over compliance with environmental and labour standards, as well as limited engagement of civil society in monitoring the activities of agribusinesses. This complicates systemic change and increases the risk of human rights violations. The conclusions highlighted the need to strengthen state control, develop incentive mechanisms for business, including tax benefits, and actively engage civil society in monitoring. The findings confirmed the value of integrating CSR into business strategies to ensure sustainable development and human rights protection

Keywords: sustainable development; agricultural sector; social guarantees; working conditions; environmental safety

Introduction

Agribusiness is a key sector of the global economy, contributing to food security, economic development, and employment in many countries. However, the activities of agricultural companies often involve human rights challenges, including labour conditions, access to resources, and environmental safety. These challenges are particularly acute in Eastern Europe, where socio-economic instability complicates the implementation of effective corporate social policies. Understanding corporate social responsibility (CSR) as a concept implies its multidimensionality: economic, social, and environmental aspects. In the context of agribusiness, CSR includes companies' commitments to employees, communities, consumers, and ecosystems.

The issue of CSR in agribusiness is of particular significance in the context of ensuring respect for human rights in Eastern Europe. The agricultural sector is characterised by a strong level of social impact, as the activities of large agribusinesses directly affect the environment, workers' rights, and local communities. Still, in many countries of the region, the issue of integrating CSR into company strategies as a tool for ensuring social justice and sustainable development stays relevant.

While many researchers have addressed the labour rights and environmental standards within the framework of CSR, there are still gaps in the coverage of the practical effectiveness of these policies. For instance, some researchers analysed the economic impact of CSR on companies, including increased reputation and competitiveness, while others focused on the legal aspects of regulating business responsibility. The researchers found that many companies limit themselves to declarative commitments without implementing systematic changes in their operations. However, the real impact of CSR on the observance of human rights, specifically labour and environmental standards in Eastern Europe, has been understudied, which is why the present study is relevant.

Climate change has created serious challenges for agriculture, requiring the introduction of innovative approaches that accommodate both environmental and social aspects. CSR has become a valuable tool for ensuring sustainable development of the agricultural sector and protecting human rights. K. Biró *et al.* (2020) focused on the adaptation of agriculture to modern challenges, including climate change, through CSR

mechanisms. The Hungarian study showed that although climate-oriented CSR activities were still underdeveloped, there was a growing awareness of the need to implement adaptive strategies. The researchers noted that the protection of human rights includes the environmental rights of citizens, as well as the right to a safe environment. Actions aimed at adapting to climate change in the agricultural sector directly affect the quality of life of people, especially those living in rural areas.

Integration of CSR into agribusiness policy is a key element of sustainable development, which contributes to the simultaneous protection of social and environmental rights. M. Mello *et al.* (2021) emphasised the significance of integrating CSR into agribusiness policy as a tool for achieving sustainable development, which simultaneously contributes to the protection of human rights. The emphasis on the need for further investigations in this area is especially relevant, as the lack of scientific research complicates the implementation of strategies aimed at respecting social and environmental rights in the agricultural sector.

CSR is increasingly viewed as a key factor of sustainable development in agribusiness. Thus, F. Cordova-Buiza *et al.* (2021) focused on identifying CSR actions that contribute to sustainable community development. The researchers concluded that CSR in agribusiness can serve as a tool for protecting human rights through the implementation of initiatives in the social and environmental spheres. Integrating CSR into the agri-food industry opens new opportunities for value creation and human rights protection. C. Nazzaro *et al.* (2020) focused on the theoretical analysis of CSR in the agri-food industry and the development of an interpretive model of social responsibility processes as a value creation strategy. The empirical part included the analysis of case studies, interviews with food industry managers and industry experts, as well as focus groups. The researchers showed how CSR in the

agri-food sector can contribute to the protection of human rights through innovation and responsibility in business processes.

The implementation of CSR and circular economy principles is becoming a key area for the development of sustainable business processes in the agri-food sector. G. Zaman *et al.* (2020) made such an observation while focusing their study on the integration of CSR and the circular economy into sustainable business processes in the agri-food sector, particularly for small and medium-sized enterprises in Italy. The combination of CSR and circular economy contributes to sustainable resource management and increases the efficiency of business processes. Agri-food companies are highly responsible for food safety and consumer health.

Ukrainian researchers also addressed this issue, for example, O. Soloviova *et al.* (2022). The researchers explored the interdependence of society and business development, which led to the introduction of CSR in business. The principal conclusion was that CSR had become not only a means of economic development but also stimulated social and environmental progress. The value of agricultural development as the basis for food security requires ensuring environmentally friendly production, which encourages agribusinesses to implement CSR principles.

In the face of global challenges, including military conflicts, CSR has become an essential tool for business to adapt to new conditions. In Ukraine, in the context of war, social responsibility of agribusiness is of particular relevance, as it is a crucial factor not only in maintaining economic stability, but also in ensuring social peace and development. V. Antoshchenkova and M. Deineha (2023) covered this aspect of the problem. The researchers found that CSR is a self-regulating business model that helps companies to be socially responsible to themselves, stakeholders, and the public in crises. CSR is viewed as a relationship between government, society, and business, where the purpose

is not only to increase profits, but also to perform social, civic, and moral obligations. S. Vasylyshyn *et al.* (2024) also studied the relevant issues. The researchers focused on the substantiation of a system of social responsibility indicators to develop integrated reporting of Ukrainian agribusiness in the context of war. The researchers argued that disclosure of policies of cooperation with local communities and initiatives in times of war is vital for increasing transparency and trust in business, as it guarantees the protection of social rights of the community, promotes sustainable development, and ensures well-being in crises.

The purpose of the present study was to investigate the effectiveness of CSR policies of large agro-industrial companies in Eastern Europe in terms of human rights, particularly labour and environmental standards. For this purpose, the study had to complete the following objectives: to analyse key aspects of CSR policies of large agro-industrial companies in Eastern Europe, focusing on their effects on labour rights; to investigate the compliance of implemented environmental standards within CSR with international and regional norms, as well as to assess their environmental impact; to identify the principal problems and challenges in CSR implementation, and to offer practical recommendations for improving their effectiveness.

Materials and Methods

The study of CSR in Eastern European agribusiness, specifically in the context of human rights protection, covered three countries: Ukraine, Romania, and the Czech Republic, which helped to assess the specific regional features of CSR implementation, especially in terms of environmental and labour rights. The research methodology was based on an interdisciplinary approach that combined qualitative and quantitative analysis to ensure a comprehensive consideration of CSR in agribusiness in the context of human rights protection. The study

was based on a content analysis of the legal frameworks of Ukraine, Romania, and the Czech Republic, which was used to identify legal requirements and standards in the field of CSR, labour and environmental rights. This method systematised the data on legal regulation and identified the specifics of the implementation of international standards in national legislation.

Article 23 of the Universal Declaration of Human Rights (1948) was analysed to determine the fundamental principles of protection of workers' rights, including the right to decent wages. The study analysed the International Standard No. ISO 26000:2010 "Guidance on Social Responsibility" (2010), which helped to assess the practical aspects of implementing social responsibility of business and their impact on human rights, the Directive of the European Parliament and of the Council No. 2014/95/EU "Amending Directive 2013/34/EU as regards the Disclosure of Non-Financial and Diversity Information by Certain Large Undertakings and Groups" (2014), the analysis helped to establish the requirements for non-financial reporting. Council Directive No. 89/391/EEC "On the Introduction of Measures to Encourage Improvements in the Safety and Health of Workers at Work" (1989) was used to assess EU legislative initiatives aimed at improving occupational safety and health, particularly in the agricultural sector.

The principal documents of Ukraine included the Law of Ukraine No. 1264-XII "On Environmental Protection" (1991), which allowed examining environmental obligations of agricultural enterprises. The Labour Code of Ukraine (1996) defined the requirements for labour relations and protection of employees' rights. The Resolution of the Cabinet of Ministers of Ukraine *et al.* 278 "On Approval of the List of Seasonal Work and Seasonal Industries" (1997) was also reviewed to understand the specific features of regulating the labour of seasonal workers. The Order of the Cabinet of

Ministers of Ukraine No. 66-r “On Approval of the Concept of Implementation of the State Policy in the Field of Promoting the Development of Socially Responsible Business in Ukraine for the Period up to 2030” (2020) was also considered. This document provides a detailed consideration of the possibilities of state support in creating a favourable environment for the development of socially responsible business in Ukraine and identifies prospects for improving the mechanisms of regulation and monitoring in the field of CSR.

The principal document of Romania was the Constitution of Romania (1991), which was used to analyse the rights and freedoms of Romanian citizens in the context of general legal protection at the workplace and the basic principles of labour rights. The Law of Romania *et al.* 202/2002 “On Equality of Opportunities for Women and Men” (2002) was used to examine the rights of women and men to equal working conditions in agriculture and other sectors, specifically, to ensure equality and combat discrimination.

The Law of Romania No. 53 “Labour Code” (2003) allowed assessing the regulatory mechanisms for guaranteeing labour rights and practical aspects of labour relations regulation in the country. The documents analysed in the context of CSR of agricultural enterprises in the Czech Republic included the Constitution of the Czech Republic (1993), which was used to investigate the general rights of employees in the Czech Republic, specifically, labour protection and equal opportunities. The study reviewed the Act of the Czech Republic No. 258/2000 (2005) and Act of the Czech Republic No. 309/2006 “Act Regulating Additional Requirements for Occupational Safety and Health in Employment Relationships and on Ensuring Safety and Health in Activities or Provision of Services Outside Employment Relationships (Act on Ensuring Additional Conditions for Occupational Safety and Health)” (2006) were used to analyse legislative measures aimed at

protecting workers’ health and ensuring proper working conditions in the agricultural sector, specifically in terms of sanitation and safety.

The research included a comparative analysis of CSR practices of large agricultural holdings in Ukraine, Romania, and the Czech Republic, specifically, MHP (2023; n.d.a) (Ukraine), Trans-Oil (n.d.a) (Moldova), and Agrofert (n.d.) (Czech Republic). For this purpose, official reports of leading agro-industrial companies were used, which provided valuable information on approaches to CSR implementation in different countries, including environmentally responsible practices and measures to protect the rights of employees. In the context of Ukraine, the data on state control and monitoring in the labour sphere was analysed from the State Labour Service of Ukraine (2024), which helped to assess the effectiveness of state supervision over human rights.

Results

The concept of CSR emerged in the mid-20th century in the United States of America, when business structures began to realise their responsibility for addressing social and environmental challenges (Latapí Agudelo *et al.*, 2019). In Ukraine, the development of CSR has gradually taken shape under the influence of international standards and recommendations, especially in the context of active implementation of European integration initiatives. Ukraine’s attempts to integrate into the European legal space and meet international requirements for environmental, social, and governance policies have contributed to the spread of CSR principles among domestic enterprises.

Despite the absence of a clear definition of CSR in Ukrainian legislation, its basic principles are reflected in a series of regulations. Specifically, the Order of the Cabinet of Ministers of Ukraine No. 66-r “On Approval of the Concept of Implementation of the State Policy in the Field of Promoting the Development of Socially Responsible Business in Ukraine

for the Period up to 2030" (2020) defines the principal areas of the state policy aimed at supporting socially responsible business practices. The document proposes mechanisms to encourage businesses to integrate social, environmental, and ethical standards into their operations. The key purpose is to promote sustainable economic development,

improve the quality of life of citizens and strengthen cooperation between the state, business, and civil society. To demonstrate the effects of CSR on the economic, social, and environmental aspects of agricultural enterprises, Table 1 presents the key CSR principles that illustrate the significance of their integration into business practices.

Table 1. Basic principles of CSR of agricultural enterprises

Principle	Content	Implementation examples	Expected outcome
Environmental responsibility	Focus on minimising environmental impact through the introduction of environmentally friendly technologies and renewable practices	Rational use of water resources, reduction of pesticide use, implementation of a waste management system	Reduced ecological footprint, improved ecosystem of the region, increased trust of local communities
Protection of employees' rights	Compliance with labour standards, safe working conditions, equal pay and non-discrimination	Training employees, medical insurance, equal opportunities for women and men	Increased labour productivity, reduced staff turnover, and improved company image as an employer
Social support for communities	Investment in the development of local communities by creating jobs, supporting educational, healthcare, and cultural initiatives	Funding school construction, support for local farmers, and greening programmes	Improvement of the socio-economic situation in the regions, creation of a positive image of the company in the society
Transparency and accountability	Openness in the company's operations, regular publication of non-financial reports, compliance with international CSR standards	Publication of non-financial reports, engagement of independent auditors, participation in international business transparency initiatives	Stronger trust from investors and partners, increased competitiveness of the company
Innovation and sustainability	Implementation of innovative solutions that ensure the long-term sustainability of the enterprise	Usage of drones to monitor crops, introduce biotechnology, and create precision farming systems	Increased efficiency of agricultural production, reduced costs, increased competitiveness in the international market
Ethical responsibility	Adherence to ethical principles in relations with employees, partners, customers, and communities	Prohibition of child labour, adherence to the principles of fair competition, introduction of a code of ethical conduct	Stronger corporate culture, increased customer and partner loyalty, and brand trust

Source: compiled by the authors

Agribusiness plays a key role in the economies of Eastern Europe, employing millions of workers. According to the latest World Bank statistics in 2018, the number of people employed in the agricultural sector has been on a downward trend over the past decades. In 2018, about one billion people were employed in the

sector, accounting for approximately 28% of the total working-age population. For comparison, in 1991, this figure reached 44%, indicating a gradual decline in the share of agricultural employment due to technological progress, urbanisation, and structural changes in the economy (Cassidy & Snyder, 2019).

Around 450 million people are wage labourers, with a considerable proportion of them earning their primary income from plantation activities. Despite a decline in the share of people employed in agriculture in a series of countries due to technological advances and changes in economic structures, the sector continues to play a key role in livelihoods, food security and rural development. However, those employed in agricultural production often face challenges such as low incomes, lack of wage security, unfavourable working conditions, labour shortages, and limited access to social protection mechanisms. Building a sustainable agri-food sector based on the principles of full, productive, and voluntary employment with decent working conditions is an essential element in the fight against poverty, reducing social inequality, and eliminating hunger on a global scale. Thus, ensuring decent working conditions for all categories of agricultural workers is an essential condition for sustainable development and social justice (International Labour Organisation, 2023).

Over the past three decades, the structure of employment has undergone significant changes in line with the global trend of a declining share of workers in agriculture and industry in favour of services. This process, which began more than 250 years ago, led to a massive shift of labour from the agricultural sector to industry, and in the 20th century to a further decline in industrial employment in favour of the service sector. These changes have substantially affected workers' rights, including the right to just and favourable conditions of work, the right to social protection, and the right to health and safety.

The shift to the service sector has contributed to an overall reduction in physically demanding and hazardous work in the agricultural sector but has also brought new challenges to workers. Specifically, agriculture has experienced an increase in the share of temporary, seasonal, and informal

employment, which is often accompanied by labour rights violations. A considerable number of workers continue to be vulnerable to violations of fundamental human rights, including the right to safe and healthy working conditions, as the use of chemicals, excessive working hours, and heavy physical activity pose significant health risks. Furthermore, the failure to respect the rights to equal pay and social protection leads to discrimination against certain categories of workers, including women and migrant workers.

The impact of digital technologies on working conditions in the agricultural sector should also be considered. On the one hand, automation and technological innovations can reduce physical activity and increase production efficiency. On the other hand, they promote atypical employment, which can lead to a loss of social security for workers as increasingly more jobs become temporary or informal. Changes in the structure of employment and the transformation of the agricultural sector require strengthening human rights protection mechanisms, including the establishment of effective labour law enforcement, the expansion of social security and healthcare programmes, and the improvement of collective representation. Only a comprehensive approach can ensure that key human rights in the agricultural sector are respected, including the right to decent work, equality of opportunity, social protection, and occupational safety and health (European Agency for Safety and Health at Work, 2023).

In the EU and in Ukraine, human rights in the agricultural sector are regulated by a series of international and national regulations that ensure the protection of labour rights, gender equality, the right to health, education, an ecologically safe environment, and legal protection of workers. This is achieved through concrete provisions of such regulations as the European Social Charter (1996) and the European Convention on Human Rights (1950). The European Social Charter

guarantees a series of social rights, including the right to work in conditions that ensure a decent living (Article 1), equality of opportunity for men and women (Article 20), and the right to health and safe working conditions (Article 3). It requires member states to ensure gender equality in working conditions and to prevent discrimination based on sex and other grounds (Article 20). Furthermore, the Charter requires that working conditions are not harmful to workers' health, and that necessary restrictions are imposed on the use of harmful pesticides (Article 3). It also includes provisions obliging enterprises to provide workers with opportunities for advanced training and vocational education (Article 9), as well as to provide instruction and training on safety and modern agricultural technologies. As for environmental rights, the European Social Charter (Article 30) states that workers are entitled to work in conditions that are not harmful to their health. This includes ensuring that workers can report environmental violations without fear of reprisals or discrimination from their employer.

EU legislation also regulates these issues. For example, Council Directive No. 89/391/EEC (1989) on ensuring the safety and health of workers at work requires employers to take all necessary measures to ensure safe working conditions, including safety training for employees. This act also prescribes mandatory briefings, safety training, and requirements to limit the effects of harmful factors on employees' health, such as pesticides and other agrochemicals. According to Article 8 of the European Convention on Human Rights (1950), everyone is entitled to respect for their private and family life, including protection from unlawful video surveillance and unreasonable inspections. These provisions protect employees' right to privacy and personal life, preventing abuse by employers.

Employees' rights to take part in decision-making are also an essential element of European labour legislation. Specifically, Directive

of the European Parliament and of the Council No. 2002/14/EC (2002) mandates that employees should be able to take part in decision-making on the organisation of work in enterprises, including the opportunity to express their suggestions and comments on the organisation of work and improvement of working conditions. Article 24 of the European Social Charter (1996) entitles employees to legal protection, which enables them to apply to a court or other authorities in case of violation of their rights. This includes the right to go to court or to labour inspectorates to protect their interests, as well as the right to an employment contract that clearly states the employee's rights and obligations. Thus, the observance of human rights in the European agricultural sector is ensured through a set of international and national regulations that guarantee equality, safety, the right to education and legal protection of employees, as well as oblige employers to create conditions that meet healthcare and environmental requirements.

In Ukraine, legislation clearly governs labour rights, ensuring the protection of workers, including those in the agricultural sector. Specifically, the right to fair remuneration is stipulated in Article 95 of the Labour Code of Ukraine (1996), which defines the minimum wage. This ensures that employees of agricultural enterprises receive remuneration not lower than the established level, which is an integral aspect of social justice. Occupational safety is regulated by Article 153 of the Labour Code of Ukraine, which prescribes labour protection and safety measures that are critical to reducing production risks in the agricultural sector.

Article 45 of the Constitution of Ukraine (1996) guarantees the right to rest, which includes regulation of working hours, holidays, and days off. Social security of employees, including health insurance and pension contributions, is regulated by the Law of Ukraine No. 1105-XIV (1999), which creates stable conditions for social protection, including for those working in the agricultural sector.

Another prominent element of labour rights is the possibility of collective bargaining, as prescribed in Article 44 of the Labour Code of Ukraine (1996), which gives employees the opportunity to influence their working conditions through collective bargaining agreements. Protection of employees' health and dignity is another vital component of CSR. The Law of Ukraine No. 2694-XII (1992) establishes the obligations of employers to ensure proper working conditions, including access to personal protective equipment and medical care. According to Article 13 of the Law, employers are obliged to create safe working conditions, conduct regular labour protection briefings, provide employees with personal protective equipment, and technically equip workplaces according to the established standards. These measures are the basis for reducing the risk of occupational injuries and improving working conditions.

Ukrainian legislation stipulates five main types of liability for breaches of labour law: disciplinary, material, administrative, financial, and criminal. They can be applied independently of each other, depending on the nature of the violation and its consequences. State control over compliance with labour laws is exercised not only by the State Labour Service of Ukraine, but also by the State Tax Service of Ukraine and local governments. Specifically, they are entitled to verify official employment and identify cases of salary payments "in envelopes". A prominent aspect is the absence of a statute of limitations for bringing to financial responsibility under Article 265 of the Labour Code of Ukraine (1996), although sanctions are imposed under the legislation in force at the time of the violation.

Apart from labour guarantees, Ukrainian legislation also aims to ensure gender equality and non-discrimination. The Law of Ukraine No. 2866-IV (2005) defines the legal mechanisms for ensuring gender equality in the labour market, and Article 24 of the Constitution of Ukraine (1996)

prohibits discrimination on any grounds, including gender, age, nationality, religion, and other factors. This is a crucial aspect of ensuring equal access to employment and professional development opportunities. Education and professional development are also critical components of the social responsibility of agricultural enterprises. The Law of Ukraine No. 2145-VIII (2017) prescribes opportunities for training and professional development of employees, which contributes to the modernisation of the industry and increase of labour productivity. It also pays considerable attention to the environmental aspects of agricultural enterprises. The Law of Ukraine No. 1264-XII (1991) sets out requirements for environmental safety of production, specifically, the use of pesticides and minimisation of adverse environmental impact.

Furthermore, Ukrainian legislation mandates legal protection of employees in case of violation of their rights. Article 55 of the Constitution of Ukraine (1996) guarantees judicial protection of citizens' rights, which allows them to go to court or other competent authorities to defend their interests. All this forms the legal basis for CSR compliance in agribusiness and contributes to the improvement of working conditions in this sector. Ukrainian legislation clearly regulates labour relations, defining the rights of employees and the obligations of employers, promoting compliance with social standards and ensuring fair working conditions. These regulations provide a framework for CSR implementation in Ukraine, but long processing times and corruption in the courts complicate its effective implementation.

In Romania, human rights in the agricultural sector are regulated through a series of national and international regulations. The most significant are the Constitution of Romania (1991), the Law of Romania No. 53 "Labour Code" (2003), as well as EU regulations that the country is obliged to implement as part of its European integration. Thus, labour rights and gender equality are governed by

the Law. According to Article 5 of Law, all employees are entitled to equal working conditions and protection against discrimination. This includes the prohibition of discrimination based on gender, race, nationality, age, disability, sexual orientation, etc. The country also has the Law of Romania No. 202/2002 (2002), which mandates active measures to ensure gender equality in all areas of labour relations, including in the agricultural sector. This law prohibits any discrimination based on sex and requires equal opportunities for men and women in terms of employment, remuneration, and promotion. The Law of Romania No. 53 (2003) also regulates the right to health and dignity. According to Article 54, employers are obliged to create working conditions that are not harmful to the health of workers, particularly in the agricultural sector, where they often face risks of exposure to harmful chemicals such as pesticides. The law also regulates medical examinations of employees to check their health and ability to work in the agricultural sector. The same law also regulates educational rights. According to Article 29, workers are entitled to vocational training, including advanced training and education. In the agricultural sector, this is particularly relevant for improving skills in the use of the latest agricultural technologies. The legislation also obliges employers to provide instruction on safety, agricultural technologies, and modern practices that are significant for ensuring the health and safety of employees. Furthermore, Article 86 of the Law requires the organisation of regular safety trainings.

According to Law of Romania No. 265 (2006), workers in the agricultural sector are entitled to work in conditions that are not harmful to their health. This includes restrictions on the use of pesticides, measures to protect against harmful factors, and environmental protection. The Law enables employees to report violations of environmental norms and standards without risk of retaliation. In Romania, according to the Constitution of

Romania (1991) and the Law of Romania No. 53 (2003), employees are entitled to legal protection in case of violation of their rights. This includes the right to apply to a court or labour inspectorate in case of violation of labour rights, as well as the right to receive an employment contract that clearly defines the employee's rights and obligations (Article 16). Article 175 of this Law obliges employers to create safe working conditions, provide regular training on occupational health and safety, and maintain workplaces following the established standards. At the same time, the experience of Trans-Oil (2024), a large agro-industrial enterprise, demonstrates the significance of implementing a sustainable development policy, including through the implementation of the Corporate Health and Safety Policy, which contains the principle of "Training and competence of employees" (Article 3). Particular attention is paid to regular training, which contributes to the formation of awareness of their roles and responsibilities in ensuring a safe working environment.

Romania also guarantees protection against excessive control and privacy violations. According to the Constitution of Romania (1991) (Article 28), everyone is entitled to respect for private life, which includes the prohibition of illegal video surveillance and unreasonable inspections. The law also prohibits the imposition of fines or disciplinary sanctions without sufficient grounds and due process. According to the Directive of the European Parliament and of the Council No. 2002/14/EC (2002), which has been implemented in Romania, employees are entitled to take part in decision-making processes concerning the organisation of work. This includes the right to make proposals on the organisation of the work process, as well as the possibility to take part in the company's social or economic development programmes. It also includes the right to take part in collective bargaining over working conditions. Thus, the Romanian legal system provides

a reliable mechanism for the protection of labour rights, health, education, environment, and participation in decision-making in the agricultural sector, in line with EU and international standards.

In the Czech Republic, human rights in the agricultural sector are regulated through a combination of national laws and international acts, such as the Constitution of the Czech Republic (1993), the Act of the Czech Republic No. 262/2006 (2006) and European directives that ensure the protection of labour rights, gender equality, health, education, and legal protection of workers. According to Act of the Czech Republic No. 435/2004 (2004), Article 1 guarantees the right of employees to equal working conditions without discrimination on any grounds, including gender, age, nationality, or sexual orientation. The law prohibits any discrimination in labour relations (Article 16), which includes gender equality in recruitment and remuneration, as well as according to the Act of the Czech Republic No. 198/2009 (2008).

According to the Act of the Czech Republic No. 435/2004 (2004), the Act of the Czech Republic No. 258/2000 (2005), and the Act of the Czech Republic No. 309/2006 (2006), employers are obliged to provide safe and healthy working conditions for their employees. This includes providing measures to reduce health risks, particularly in the agricultural sector, where there is a risk of exposure to pesticides and other harmful chemicals. The Act of the Czech Republic No. 258/2000 (2005) stipulates that working conditions in the agricultural sector should not be harmful to the health of employees. This includes limiting the use of pesticides, protecting against harmful factors, and creating safe working conditions. Article 101 of the Act of the Czech Republic No. 435/2004 (2004) on labour defines the obligation of employers to provide health and safety instructions and to conduct regular medical examinations of employees. According

to the Act, employees are entitled to vocational training and further education. In the agricultural sector, this may include training in the latest agricultural technologies and working methods, as well as mandatory health and safety training. Additionally, according to Act of the Czech Republic No. 309/2006 (2006), the employer is obliged to organise regular safety training and briefings, including those specific to agricultural production (e.g., handling of agricultural chemicals, use of machinery, etc.). Czech legislation also protects the right of employees to work in environmentally safe conditions.

The Constitution of the Czech Republic (1993) (Article 36) guarantees access to legal protection for all citizens, including workers. It allows employees to take legal action in court or before labour inspection bodies in case of violation of their labour rights. The Act of the Czech Republic No. 435/2004 (2004) also stipulates that the employment contract must clearly define the rights and obligations of the employee and the employer (Article 30), which enables employees to protect their rights in court if necessary. The Czech Republic has provisions protecting employees from excessive control. The Constitution of the Czech Republic guarantees the right to privacy (Article 10), which includes protection against unlawful video surveillance and inspections in the workplace. The Labour Code Act (2006) also restricts the possibility of imposing fines or disciplinary sanctions without proper grounds (Article 54). According to Czech legislation, employees are entitled to take part in decision-making concerning the organisation of work at the enterprise, including through collective bargaining and discussions. According to the Directive of the European Parliament and of the Council No. 2002/14/EC (2002), which was implemented in the Czech Republic, employees are entitled to express their proposals for improving working conditions and take part in the company's social and economic

programmes. This right implies the involvement of employees in the making of significant decisions regarding the development of the company.

According to reports from the Czech Ministry of Labour and Social Affairs, the country has one of the highest rates of compliance with occupational health and safety standards in Europe, largely due to strict requirements for companies and systematic government monitoring. However, even leading agribusinesses, such as Agrofert, admit that ensuring full compliance with these standards at all stages of the production process continues to be a challenge. According to Agrofert's official report (n.d.) for 2023, the company invested over EUR 15 million in occupational health and safety measures, including equipment upgrades, the development of automated monitoring systems, and employee training. Over 3,200 briefings were held during the year, involving 26,000 employees, including temporary and seasonal staff. The key problematic aspects highlighted in the report were shortcomings in ensuring an adequate level of protection for employees when working with complex machinery. Specifically, the report noted the lack of measures to minimise injury risks and the inability to ensure timely maintenance of equipment. Particular attention was paid to the problem of organising and conducting quality training for employees, especially in the context of a seasonal increase in the workload of enterprises, when temporary workers were hired due to the high demand for additional labour (Nawaz *et al.*, 2022). This created further challenges in following safety standards and made it impossible for new employees to fully adapt to working conditions. Thus, in the Czech Republic, human rights in the agricultural sector are ensured through national laws and European directives that guarantee equality, safety, the right to education, environmentally safe working conditions, and the possibility of protecting workers' rights.

At the international level, the development of CSR standards is largely based on key documents

that form the general principles and approaches to its practical application. One of the most significant among them is the International Standard No. ISO 26000:2010 "Guidance on Social Responsibility" (2010), developed by the International Organisation for Standardisation. Although this standard is not mandatory, it provides guidance on how to integrate CSR principles into organisations' strategies and day-to-day operations. International Standard No. ISO 26000:2010 "Guidance on Social Responsibility" covers a wide range of issues, including corporate governance, human rights, labour practices, consumer protection, environmental protection, community development, and ethical behaviour. It emphasises the significance of an integrated approach to social responsibility that accommodates the interests of all stakeholders and aims to achieve long-term sustainability for both business and society overall.

In Ukraine, this standard was adopted as a national standard under the designation State Standard of Ukraine No. ISO 26000:2019 "Social Responsibility Guidelines (ISO 26000:2010, IDT)" (2020). It is not a certification standard but serves as a guideline for organisations seeking to integrate the principles of social responsibility into their activities. In Romania and the Czech Republic, this standard is also used as a guideline for implementing socially responsible practices. Although the standard does not make provision for certification, organisations in these countries can turn to specialised consulting companies to assess their compliance with the principles. This contributes to increased transparency, ethical behaviour, and sustainable development for both business and society in general.

In Eastern Europe, respect for labour rights is one of the key aspects of CSR in the agricultural sector. Ensuring the protection of labour rights in the agricultural sector is key to sustainable development and raising social standards in the region (Sharma, 2019). Implementing CSR in this area

helps to minimise risks for employees, improve working conditions, and build a positive image of companies in the international arena. The sectoral structure of the economy plays a significant role in determining the level of occupational risks for employees. A great proportion of people employed in industry, agriculture, and construction often correlates with an increased probability of exposure to harmful occupational factors such as noise, vibration, or contact with hazardous substances. However, this relationship is not linear, as other factors, including occupational health and safety policies and technological developments, also influence the level of risk. Countries where a considerable share of the workforce is employed in industry, agriculture and construction usually demonstrate an increased level of risks to the physical health of workers due to exposure to vibration, noise, and hazardous substances. Among them, Romania leads the way (49.4%), where these sectors account for the largest share, followed by Poland (49.1%), and Hungary (37%) in seventh place (European Agency for Safety and Health at Work, 2023).

According to the European Agency for Safety and Health at Work (2023), the working conditions of seasonal and seconded workers, particularly in the agricultural sector, are among the most vulnerable due to unstable working conditions, risks of labour law violations, and insufficient social protection. The lack of proper control over the observance of labour standards creates preconditions for violations of workers' fundamental rights, which contradicts the principles of international labour law. In its recommendations on seasonal employment, the European Commission noted that this category of workers is often in a more vulnerable position compared to other groups of workers. The principal problems include unstable working and living conditions, violations of labour laws, insufficient social protection, and a considerable level of undeclared labour. This indicates the need to improve the

regulatory framework and monitoring mechanisms to ensure the rights of workers in the area of occupational safety and health.

Furthermore, there is a growing trend of non-standard forms of employment. According to the Organisation for Economic Co-operation and Development, they account for more than 30% of total employment, which indicates the transformation of the labour market and has major implications for the observance of labour rights. In 2019, the share of new forms of precarious work ranged within 0.5-3% of total employment. In agriculture, this process is manifested through a decrease in self-employment and the emergence of new digital employment platforms, which often stay outside of proper legal regulation (European Agency for Safety and Health at Work, 2023). Thus, the above data confirms the relevance of the study of human rights in the agricultural sector, as violations of the rights of seasonal, seconded, and precarious workers suggest the need to strengthen state control, introduce effective social protection mechanisms, and adapt labour legislation to the emerging challenges.

The experience of leading agricultural companies demonstrates the desire to improve labour safety standards. For instance, according to the MHP Group's Integrated Annual Report and Financial Statements (2023), MHP implemented a series of initiatives aimed at protecting employees from potential health and safety hazards caused by the ongoing conflict. One of the key measures was the formation of an internal fire brigade and improvement of fire emergency response mechanisms. The focus was on organising effective evacuation, containment, and extinguishing of fires, as well as ensuring the resumption of business processes after incidents. The health and safety programmes were subject to regular review and continued in 2023. Specifically, the network of safe shelters was expanded to reduce the risks associated with air attacks,

and additional individualised evacuation procedures were developed to meet the specific conditions of each MHP production facility in Ukraine.

Ensuring proper working conditions and reducing the risk of occupational injuries are key aspects of sustainable development of enterprises, especially in the context of current challenges, including the armed conflict and economic instability. The analysis of incident data and investments in occupational health and safety for 2021-2023 showed both a positive trend in the reduction of the total number of occupational injuries and an increase in spending on preventive measures.

During the period under review, a substantial decrease in the total number of incidents was observed: from 39 cases in 2021 to 15 in 2023. Specifically, the number of severe incidents was halved, while the number of low-severity incidents almost quadrupled, suggesting an increase in the effectiveness of safety measures. At the same time, although the number of fatalities in 2023 (2) was lower than in 2022 (3), it still exceeded the figure for 2021 (1). This indicates the need to further strengthen measures to prevent fatal incidents.

The reduction in the occupational injury rate is accompanied by a considerable reduction in lost working time due to incidents. While in 2021 this figure was 17,097 hours (1,822 days), in 2023 it decreased to 6,866 hours (813 days). This trend suggests the effectiveness of the measures taken to ensure safe working conditions and emergency medical care. The financial component of occupational health and safety also showed an upward trend in investments in preventive measures. Total occupational health and safety costs in 2023 amounted to UAH 102.2 million, which is higher than in 2022 (UAH 97.9 million), although it did not reach the level of 2021 (UAH 118.3 million). Meanwhile, spending on certified personal protective equipment increased substantially: in 2023, UAH 69.2 million was spent on their purchase, which is 48% more than in 2022. This indicates the active

renewal and improvement of the quality of protective equipment for employees. Another prominent area is the financing of occupational health and safety training programmes. Over three years, investments in this sector increased by more than 60%, reaching UAH 3.1 million in 2023. This confirms the company's increased focus on improving the safety skills of its employees. In the European operating segment, the company also pays great attention to occupational health and safety. In 2023, total expenditures for these purposes amounted to EUR 125.6 thousand, of which more than EUR 1.17 million was spent on the purchase of certified personal protective equipment. Thus, the data analysis showed progress in occupational safety, a reduction in the number of incidents, and increased funding for employee protection measures. At the same time, the persistence of high-severity and fatal incidents highlights the need to further improve occupational health and safety policies, including through the introduction of modern technologies, expansion of training programmes, and improved operational response to risks.

Decent pay is one of the key aspects of CSR in agribusiness and a crucial component of human rights protection (Nave & Ferreira, 2019). In this context, compliance with the principles of fair remuneration for labour is determined not only by the moral obligations of companies, but also by the concrete requirements of national and international legislation (Ali, 2023). According to Article 23 of the Universal Declaration of Human Rights (1948), everyone is entitled to decent remuneration for work that ensures an existence worthy of the human person. In Europe, these principles are concretised in the European Social Charter (1996), ratified by many Eastern European countries, which obliges member states to ensure fair working conditions and equal pay for workers. For example, the Czech Republic, Romania, and Ukraine have legislation that sets minimum standards of remuneration, including national minimum wages.

In Ukraine, compliance with the principle of decent wages is regulated by Article 95 of the Labour Code of Ukraine (1996). The minimum wage is guaranteed by the state and as of 2025 is UAH 8,000 per month, equivalent to approximately USD 220. In Romania, as of January 2025, the minimum wage was 4,050 lei per month, equivalent to approximately USD 900. In the Czech Republic, the minimum wage was CZK 20,800 per month, which was equivalent to approximately USD 934 (Act of the Czech Republic No. 262/2006, 2006; Ministry of Labour and Social Affairs of the Czech Republic, 2024).

Thus, the minimum wage in the Czech Republic was the highest among the three countries, while Ukraine had the lowest. Notably, the Czech Republic and Romania did not have a subsistence minimum, but Ukraine did, and it was set at UAH 3,028 per month for able-bodied persons, which was equivalent to USD 84. The minimum wage was greater than the official subsistence level for able-bodied individuals but still was one of the lowest in Europe. This level of income substantially limits the ability of employees to ensure a decent standard of living, especially considering the elevated costs of housing, utilities, and medical care.

According to research, almost 20% of workers in the agricultural sector were paid only slightly above this level. Trans-Oil (n.d.a.) (Romania), one of the largest agribusiness players in the region, spent more than 15% of its operating budget in 2023 on raising employee salaries. In the Czech Republic, Agrofert (n.d.) noted in its 2023 report that the average salary of its employees exceeded the minimum level by 28%. At the same time, seasonal contract workers accounted for up to 40% of the staff during peak seasons, and often received only the minimum wage, but with access to social guarantees.

To address the many challenges that arise in implementing CSR policies, comprehensive and coordinated cooperation between government agencies, the business sector, and international

organisations is needed. Such cooperation should include the development of effective regulatory mechanisms, exchange of best practices, financial and technical support, and the creation of joint initiatives aimed at ensuring social, environmental, and labour standards (Tamvada, 2020). For instance, EU programmes such as the European Social Fund aim to increase wages and improve working conditions in the agricultural sector (European Commission, 2024). Thus, decent remuneration in agribusiness is not only a basis for ensuring basic human rights, but also a valuable tool for rural development in Eastern Europe. It depends on a combination of CSR efforts by companies, effective government regulation, and international support.

Respecting the rights of seasonal workers is one of the most relevant aspects of CSR in agribusiness in Eastern Europe, where agricultural activities are largely dependent on seasonal labour. Despite the major contribution of these workers to production processes, their rights are often violated due to unstable working conditions, low pay, lack of social guarantees, and insufficient enforcement (Chiles *et al.*, 2020). In Eastern European countries, the legal regulation of seasonal workers has certain differences, but the common thread is the obligation of employers to ensure the fundamental rights of workers according to international standards. Specifically, Article 7 of the International Covenant on Economic, Social and Cultural Rights (1966) guarantees fair working conditions for all, including seasonal workers. This principle is also stipulated in the European Social Charter (1996).

In Ukraine, the Labour Code of Ukraine (1996) and Resolution of the Cabinet of Ministers of Ukraine No. 278 "On Approval of the List of Seasonal Work and Seasonal Industries" (1997) regulate the rights of seasonal workers. However, in practice, violations of seasonal workers' rights are widespread. According to a study by the Ministry of Finance, about 40% of seasonal workers in the

agricultural sector work without official registration (Gavrilyuk, 2024). This deprives them of access to social guarantees, such as sick pay or pensions. In the Czech Republic in 2023, the minimum wage for seasonal workers in agriculture was CZK 18,900, but some employers avoided performing these obligations (Ministry of Labour and Social Affairs of the Czech Republic, 2024). For example, Agrofert (n.d.) noted in its report that 12% of its seasonal workers were employed on temporary contracts with a minimum social package.

Leading agriholdings, such as MHP in Ukraine and Trans-Oil in Romania, are actively implementing programmes aimed at improving working conditions and ensuring social protection for their employees. Specifically, MHP (n.d.c) implemented systematic occupational health and safety training, provided employees with modern personal protective equipment, and guaranteed transparency in payments and social packages. Analogously, Trans-Oil (n.d.b) focused on creating safe working conditions, including regular staff development and social support for employees in case of force majeure. These measures not only contributed to production efficiency but also demonstrated the responsibility of companies to their employees.

Respecting the rights of local communities is another prominent aspect of CSR in agribusiness, as the activities of enterprises in rural areas directly affect the welfare of the local population (Wettstein *et al.*, 2019). The companies' efforts are aimed at investing in social infrastructure, developing educational programmes, improving healthcare, and implementing environmental initiatives. For example, in 2023, the Czech company Agrofert (n.d.) allocated over EUR 10 million for social projects, including the modernisation of schools, the construction of kindergartens, and support for local hospitals in the regions of its operations. Such initiatives help to improve the living standards of the local population and build a positive image of the company.

Thus, the implementation of CSR policies in large agribusinesses in Eastern Europe is comprehensive. They include measures aimed at improving labour conditions, supporting local communities, and ensuring sustainable development of the industry with due regard for human rights. The effective implementation of such policies in the agribusiness sector, particularly in the context of environmental responsibility, is a crucial factor that affects the long-term sustainability of the industry (Carroll, 2021).

The agricultural sector is under increasing pressure from international organisations and civil society to adopt socially responsible and environmentally sustainable practices. Particular attention is paid to the environmental component of CSR, as the state of the environment directly affects the health, quality of life, and rights of both employees and residents of the surrounding areas (Ratajczak & Stawicka, 2020). Priority areas of environmental responsibility within CSR include minimising the adverse environmental impact of agricultural production, optimising resource use, and introducing innovative technologies. For instance, the use of modern water management systems helps to ensure their rational use and access to quality water, which is a basic human right. Another notable aspect is the reduction of greenhouse gas emissions and soil pollution, which positively influences the health of people living in agricultural regions.

The effectiveness of environmental policies within the framework of CSR is determined by a series of key factors. One of them is the existence of clear standards and regulatory requirements. In Eastern European countries, including Ukraine, the environmental component of CSR is gradually being stipulated in legislation, but its implementation is largely hampered by economic challenges and institutional constraints. In this regard, the adaptation of international standards, such as International Standard No. ISO 26000:2010

“Guidance on Social Responsibility” (2010), which provides companies with guidance on environmental responsibility, plays a vital role.

Another major factor is the integration of environmental components into companies’ development strategies. For example, Ukrainian agribusinesses are implementing modern approaches to sustainable farming. These technologies not only reduce the environmental footprint but also ensure economic sustainability by conserving natural resources and increasing production efficiency. The key practices include precision farming technologies that use modern tools such as satellite monitoring, drones, GPS navigation, and agroecosystem analysis software. For instance, the Kernel company (n.d.) actively uses precision farming, which helps to rationalise the use of fertiliser, water, and crop protection products, which reduces soil degradation and overall environmental impact.

The next technology is zero or minimal tillage (No-till and Strip-till). This technology involves minimising mechanical intervention in the soil, which helps to preserve its structure, prevents erosion, and retains moisture. For example, MHP (n.d.b) uses the No-till system on many of its farms, which helps to preserve soil fertility and reduce fuel consumption (Gavrilyuk, 2024). MHP is actively implementing environmental initiatives to minimise its environmental impact. The company developed a unified form of annual internal environmental reporting that covers all of the group’s businesses. This reporting includes information on waste, wastewater, air emissions, resources consumed, environmental complaints, and the results of environmental inspections. The implementation of these technologies contributes not only to environmental safety but also to the economic efficiency of agricultural production. They help to preserve soil fertility, minimise resource costs, and meet sustainability standards, which is a crucial factor in the competitiveness of Ukrainian agricultural enterprises in the global market.

The level of transparency and reporting in CSR plays a prominent role in achieving environmental and social goals. Regular publication of detailed reports on the implementation of environmental initiatives, such as emission reduction, energy efficiency, and rational use of natural resources, facilitates an objective assessment of the results of the measures taken. Such reports not only create a positive image of the company but also increase the level of trust among key stakeholders, including consumers, investors, partners, and local communities.

Transparent reporting also provides mechanisms for public scrutiny, motivating companies to improve their environmental and social initiatives. One of the key instruments in this area is Directive of the European Parliament and of the Council No. 2014/95/EU “Amending Directive 2013/34/EU as regards the disclosure of non-financial and diversity information by certain large undertakings and groups” (2014), which requires large enterprises in the EU to disclose non-financial information, including environmental aspects of their activities. This approach is actively employed by agro-industrial holdings in Eastern Europe, which report on their commitments to the environment, social protection of employees, and support for local communities. Leading agricultural holdings in the region are introducing innovative green technologies and initiatives aimed at improving working conditions and ensuring fair pay (Pucheta-Martínez & Gallego-Álvarez, 2019). For example, the Czech agricultural holding Agrofert (2024) uses technologies to reduce the adverse environmental impact, specifically in fertiliser production. The company set a goal to reduce CO₂ emissions by 55% by 2030 compared to 1990 levels and achieve carbon neutrality by 2050. To achieve these goals, a special working group was set up to coordinate the necessary measures.

An analysis of large agribusinesses’ operations helped to identify the primary areas of CSR implementation aimed at protecting human

rights, enhancing social responsibility, and improving environmental sustainability. The key aspects and activities within the CSR framework

were summarised in Figure 1, which illustrates the practical aspects of implementing these initiatives in the agricultural sector.



Figure 1. Aspects of CSR implementation

Source: created by the authors

The findings of the study suggest the need to improve the state regulatory policy in the field of CSR of agricultural business in Ukraine. A crucial step in this regard is the creation of effective mechanisms for assessing and monitoring CSR implementation, specifically in the context of human rights protection. To ensure the sustainable development of the agricultural sector, it is necessary to increase the level of transparency of agricultural enterprises and involve civil society in monitoring and evaluating the environmental and social aspects of agribusiness.

One of the key areas for improving CSR is to strengthen government control, which involves

developing clear criteria for assessing the social responsibility of companies, introducing regular monitoring of CSR commitments, and creating mechanisms for accountability for non-compliance with social and environmental standards. At the same time, agricultural enterprises should be encouraged to implement socially responsible initiatives, which can be achieved by introducing tax benefits, grant programmes, and other financial instruments for companies that actively implement measures in the field of sustainable development, labour protection, and environmental safety.

One of the key aspects of improving CSR is ensuring transparency and accountability, which

requires agricultural companies to publish non-financial reports on the implementation of CSR strategies according to international standards, such as Directive of the European Parliament and of the Council No. 2014/95/EU (2014) and International Standard No. ISO 26000:2010 (2010). Furthermore, the adaptation of Ukrainian legislation to European standards is significant, including the harmonisation of national provisions with EU best practices in the field of social protection of agricultural workers, environmental responsibility of business, and corporate governance.

An equally crucial step is to support innovative environmental technologies, including the introduction of advanced agricultural practices such as precision farming, zero and minimum tillage (No-till, Strip-till), environmentally friendly plant protection products, and effective water and waste management. The comprehensive implementation of these measures will help to increase the level of social responsibility of Ukrainian agricultural enterprises, strengthen labour rights protection, improve environmental safety, and generally improve working conditions in the agricultural sector.

Discussion

The findings of the study confirmed that CSR in Eastern European agribusiness plays a crucial role in protecting human rights, but its implementation continues to be fragmented and ineffective. The analysis of large revealed that even though most companies declare their adherence to CSR principles, in practice these initiatives are often formal and do not lead to real improvements in working conditions. These findings are partially consistent with the observations of C. Bruzelius and M. Seeleib-Kaiser (2023), who analysed the enforcement of the rights of mobile workers, specifically seasonal agricultural and forestry workers in the EU. The researchers noted that enforcement in these sectors is limited and depends on the capacity of EU Member States. However, despite the

distinct enforcement regimes in countries such as Austria, Germany, Sweden, and the UK, the rights of seasonal workers are often neglected, creating a situation of institutionalised exploitation. The researchers pointed to the need for administrative enforcement to ensure workers' rights. The findings of the present study pointed to numerous violations of the rights, exploitation, and lack of adequate legal protection of migrant workers, particularly in the agricultural sector. It was noted that workers in the agricultural sector often face violations of their rights, such as non-compliance with working conditions and inadequate social guarantees. The study also confirmed the significant of administrative coercion in ensuring the rights of mobile workers. Without proper control by the state, law enforcement in the agricultural sector becomes ineffective, which creates conditions for the exploitation of workers. However, the findings of the present study do not agree with the conclusions of C. Bruzelius and M. Seeleib-Kaiser (2023) that enforcement cannot be effective without administrative enforcement, as strengthening social dialogue between employers, employees, and governments is also essential. Involving agribusiness in labour rights enforcement and establishing self-regulatory mechanisms positively influences the improvement of the situation. Large agribusinesses (Trans-Oil, MHP) are trying to incorporate CSR mechanisms into their sustainable development programmes.

R.G. Anghel *et al.* (2025) also investigated this problem. The findings of the present study and the researchers' conclusions have some shared aspects, specifically in recognising that seasonal migration is a key factor in the transformation of the agricultural sector and rural areas in Eastern Europe. Both studies highlighted inequalities in labour relations and migrant mobility, as well as the structural changes that result from these processes. At the same time, the results of the present study do not agree with the conclusions

of R.G. Anghel *et al.* (2025) that the social and economic impacts of seasonal migration, such as migrant returns or changes in the structure of agriculture, are more significant than the protection of workers' rights. The researchers focused on the social aspects of migration, considering it as a factor in the development of rural communities, while the present study focused on the problem of exploitation of labour migrants, violation of their rights, and the need to strengthen human rights mechanisms. For without adequate protection of workers' rights, positive social change will be minimal or even unattainable.

Comparing the findings of studies on the legal protection of labour migrants in the agricultural sector, both similar aspects and certain differences in approaches to solving the problem can be identified. A.T. Adaileh *et al.* (2024) emphasised the existence of substantial gaps in Jordanian legislation that did not provide an adequate level of protection for labour migrants. The researchers pointed to restrictions on freedom of choice of employer and exploitation as key issues that must be addressed. The findings of A.T. Adaileh *et al.* (2024) are in line with the findings of the present study regarding the necessity of addressing workers' rights due to the imperfect social protection system. However, in contrast to the conclusions of A.T. Adaileh *et al.* (2024) the problem cannot be solved by administrative measures alone. It requires deeper structural changes in legislation and the creation of effective legal protection mechanisms, including improved judicial and extrajudicial means of resolving labour disputes.

J. Hunt (2014) investigated the problem of exploitation of migrants in the EU agricultural sector, especially due to the seasonal nature of work. The researcher emphasised the value of integrating social standards into the Common Agricultural Policy. The present study supported an analogous approach, as strengthening mechanisms for

protecting workers' rights can improve the situation. A major step in the development of CSR is to strengthen state control through clear evaluation criteria, regular monitoring and accountability mechanisms for violations of social standards.

M.I. Ortega *et al.* (2016) focused on the problem of insufficient attention to social labour standards in the agricultural sector and a fragmented approach to CSR implementation. The researchers emphasised the insufficient attention to social labour standards, especially in relation to employees, including migrants. Furthermore, both the present study and the cited study pointed out that business owners often have a limited and fragmented understanding of CSR, focusing on certain aspects, such as environmental initiatives, but leaving out the social issues. Notably, the researchers argued that the negative attitude of owners towards social standards substantially affects labour conditions, while the present study showed that companies that declare CSR do make selective improvements to these conditions. The researchers also noted that environmental initiatives are implemented more effectively than social initiatives, while the present study considered both areas to be interrelated.

The problem of social protection of employees in hazardous sectors, specifically in agribusiness, continues to be relevant. A.K. Liebman *et al.* (2013) emphasised the necessity of regulatory protection for such workers, pointing to the elevated risks of their activities. This is in line with the findings of the present study, which indicated a low level of social protection in this sector. However, the agricultural sector should not be viewed as an exceptional case requiring a special approach. Instead, labour relations regulation should be integrated into the general labour law policy of countries and agribusiness specifically, ensuring an adequate level of protection for all employees.

S. Battistelli *et al.* (2022) covered an analogous issue. The researchers proposed a comprehensive

approach to the regulation of labour exploitation in the agricultural sector using the example of Italy. First of all, the researchers analysed global challenges and local contextual responses, namely, recruitment mechanisms in the agricultural sector and their effects on workers. The role of public services, private intermediaries, and technological solutions designed to ensure proper interaction between employer and employee was also discussed. A major aspect is the analysis of regulatory instruments used to improve labour conditions, such as collective bargaining, institutional instruments, and voluntary initiatives in the context of insufficient institutional support. All these instruments are aimed at improving compliance with labour laws and promoting responsible business practices. Thus, S. Battistelli *et al.* (2022) proposed an integrated regulatory approach that combines legal and repressive measures with co-management tools and more active business participation. The researchers also emphasised the significance of establishing local regulatory forums and strengthening social dialogue, which is necessary for the successful implementation of these initiatives. This is in line with the findings of the conducted study on the need for a multidimensional approach to the regulation of labour rights, as only comprehensive measures combining various instruments – legal, social, and economic – can effectively address labour exploitation. At the same time, more institutional mechanisms must be created at the state level to ensure more effective control and resolution of problems related to labour migrants and agricultural workers overall.

Thus, the issue of observance of workers' rights in agriculture continues to be relevant and requires a multidimensional approach, including changes in legislation, strengthening of social protection, and improvement of mechanisms for monitoring the observance of labour rights. Despite the overarching challenges, research

showed both similar and distinct approaches to CSR implementation, which depends on local conditions and the level of integration of this concept into business strategies.

Conclusions

The study confirmed that the concept of CSR is a crucial element of the business environment, contributing to the harmonisation of economic, social, and environmental interests. The origins of CSR date to the mid-20th century, when business began to realise its role in addressing social challenges, and later this approach became an integral part of the activities of many companies around the world. In Ukraine, CSR development was largely driven by European integration processes and the need to adapt to international standards.

Agribusiness continues to be one of the key sectors of the Eastern European economy, employing millions of workers. However, despite the significance of the agricultural sector, the number of people employed in it is declining due to technological advances and structural changes in the economy. This created new challenges related to working conditions, income levels, and social protection of workers. Ensuring decent working conditions and expanding social guarantees in this area is still a prerequisite for achieving sustainable development and social justice.

An analysis of European and Ukrainian legislation on labour rights in the agricultural sector revealed that compliance with social standards and ensuring workers' rights are priorities for government policies. The EU ensures a comprehensive approach to the regulation of labour relations, specifically through mechanisms of environmental law, protection against discrimination, employee participation in decision-making, and social security. Ukrainian legislation, while regulating the basic rights of employees, still requires a more systematic approach to implementing CSR and ensuring proper monitoring

of labour standards. The agricultural sector is under increasing pressure from international organisations and civil society to adopt socially responsible and environmentally sustainable practices. The study paid particular attention to the environmental component of CSR, as the state of the environment directly affects the health, quality of life, and rights of both employees and residents of the surrounding areas. The priority areas of environmental responsibility within CSR are minimising the adverse environmental impact of agricultural production, optimising the use of resources, and introducing innovative technologies. A crucial factor is the integration of environmental components into companies' development strategies. Specifically, Ukrainian agribusinesses implemented modern approaches to sustainable farming. These technologies enable not only the reduction of the environmental burden but also ensure economic sustainability by conserving natural resources and increasing production efficiency. The principal practices include precision farming technologies that use modern tools such as satellite monitoring, drones, GPS navigation, and agroecosystem analysis software.

References

- [1] Act of the Czech Republic No. 198/2009 "On Equal Treatment and on the Legal Means of Protection Against Discrimination and on Amendment to Some Laws (the Anti-Discrimination Act)". (2008, April). Retrieved from https://adsdatabase.ohchr.org/IssueLibrary/CZECH%20REPUBLIC_Anti-discrimination%20Act.pdf.
- [2] Act of the Czech Republic No. 258/2000 "On Protection of Public Health [as Consolidated to Act No. 471/2005]". (2005, December). Retrieved from <https://is.gd/G6tax0>.
- [3] Act of the Czech Republic No. 262/2006 "Labour Code Act". (2006, June). Retrieved from <https://www.zakonyprolidi.cz/cs/2006-262>.
- [4] Act of the Czech Republic No. 309/2006 "Act Regulating Additional Requirements for Occupational Safety and Health in Employment Relationships and on Ensuring Safety and Health in Activities or Provision of Services Outside Employment Relationships (Act on Ensuring Additional Conditions for Occupational Safety and Health)". (2006, June). Retrieved from <https://www.zakonyprolidi.cz/translation/cs/2006-309?langid=1033#:~:text=309%2F2006%20Coll..for%20occupational%20safety%20and%20health>.

Thus, the study confirmed the significance of CSR as a tool for sustainable development. To improve the effectiveness of CSR in Ukraine, it is necessary to improve legislative regulation, expand mechanisms to support socially responsible enterprises, and strengthen control over compliance with labour and environmental standards.

Limitations of the study included the lack of statistical data on CSR implementation in Ukraine and limited access to internal company documents. In the future, a promising area of research would be to analyse the effects of international CSR standards on the activities of agro-industrial enterprises in Eastern Europe to identify best practices and adapt them to the conditions of Ukraine, as well as to assess the impact of CSR on socio-economic stability in rural areas.

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- [5] Act of the Czech Republic No. 435/2004 "Employment Act". (2004, July). Retrieved from <https://www.zakonyprolidi.cz/cs/2004-435>.
- [6] Adaileh, A.T., Alaraishy, O.A., & Alfaouri, M.A. (2024). Legal protection of migrant workers in the agricultural sector in light of Jordanian legislation and international labor standards. *Global Journal of Politics and Law Research*, 12(1), 42-62. doi: 10.37745/gjplr.2013.
- [7] Agrofert. (2024). *AdBlue reduces NOx emissions and protects the environment*. Retrieved from <https://www.agrofert.cz/akce-a-aktuality/diky-adblue-snizujeme-emise-nox-a-chranime-zivotni-prostredi>.
- [8] Agrofert. (n.d.). *Reports*. Retrieved from <https://www.nadace-agrofert.cz/o-nadaci/dokumenty-ke-stazeni>.
- [9] Ali, J. (2023). Does mandatory corporate social responsibility expenditure affect the financial performance of food and agribusiness firms? Evidence from India. *European Business Review*, 35(4), 520-533. doi: 10.1108/EBR-09-2022-0193.
- [10] Anghel, R.G., Vesalon, L., & Toma, S. (2025). Romania's agricultural workers. Return mobilities and modes of food production. *International Migration*, 63(1), article number e13190. doi: 10.1111/imig.13190.
- [11] Antoshchenkova, V., & Deineha, M. (2023). [Social responsibility of Ukrainian agribusiness in times of war](#). In *Proceedings of the All-Ukrainian scientific and methodological conference "Slobozhanskyi humanitarian – 2023"* (pp. 12-19). Kharkiv: State Biotechnological University.
- [12] Battistelli, S., Bonardi, O., & Inversi, C. (2022). Regulating agricultural work and the labour market to prevent exploitation: The Italian perspective. *Labour & Law Issues*, 8(2), 1-35. doi: 10.6092/issn.2421-2695/15951.
- [13] Biró, K., & Szalmáné Csete, M. (2020). Corporate social responsibility in agribusiness: Climate-related empirical findings from Hungary. *Environment, Development and Sustainability*, 23, 5674-5694. doi: 10.1007/s10668-020-00838-3.
- [14] Bruzelius, C., & Seeleib-Kaiser, M. (2023). Enforcing outsiders' rights: Seasonal agricultural workers and institutionalised exploitation in the EU. *Journal of Ethnic and Migration Studies*, 49(16), 4188-4205. doi: 10.1080/1369183X.2023.2207340.
- [15] Carroll, A.B. (2021). Corporate social responsibility: Perspectives on the CSR construct's development and future. *Business & Society*, 60(6), 1258-1278. doi: 10.1177/00076503211001765.
- [16] Cassidy, E., & Snyder, A. (2019). *Map of the month: How many people work in agriculture*. Retrieved from <https://blog.resourcewatch.org/2019/05/30/map-of-the-month-how-many-people-work-in-agriculture/>.
- [17] Chiles, R.M., Glenna, L., Sharma, A., Catchmark, J., Azzara, C.D., & Maretzki, A. (2020). Agri-food firms, universities, and corporate social responsibility: What's in the public interest? *Renewable Agriculture and Food Systems*, 35(2), 158-168. doi: 10.1017/S1742170518000376.
- [18] Constitution of Romania. (1991, December). Retrieved from <https://www.presidency.ro/en/the-constitution-of-romania>.
- [19] Constitution of the Czech Republic. (1993, January). Retrieved from https://www.constituteproject.org/constitution/Czech_Republic_2013.
- [20] Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>.

- [21] Cordova-Buiza, F., Huaranga-Castillo, F., & Trillo-Corales, C. (2021). Corporate social responsibility actions in agribusiness: Towards sustainable community development. In *Proceedings of the sciences and humanities international research conference* (pp. 1-4). Lima: IEEE. doi: [10.1109/SHIRCON53068.2021.9652243](https://doi.org/10.1109/SHIRCON53068.2021.9652243).
- [22] Council Directive No. 89/391/EEC "On the Introduction of Measures to Encourage Improvements in the Safety and Health of Workers at Work". (1989, June). Retrieved from <https://eur-lex.europa.eu/eli/dir/1989/391/oj/eng>.
- [23] Directive of the European Parliament and of the Council No. 2002/14/EC "Establishing a General Framework for Informing and Consulting Employees in the European Community – Joint Declaration of the European Parliament, the Council and the Commission on Employee Representation". (2002, March). Retrieved from <https://eur-lex.europa.eu/eli/dir/2002/14/oj/eng>.
- [24] Directive of the European Parliament and of the Council No. 2014/95/EU "Amending Directive 2013/34/EU as Regards Disclosure of Non-Financial and Diversity Information by Certain Large Undertakings and Groups". (2014, October). Retrieved from <https://eur-lex.europa.eu/legal-content/SV/TXT/?uri=celex:32014L0095>.
- [25] European Agency for Safety and Health at Work. (2023). *Occupational safety and health in Europe: State and trends 2023*. Retrieved from https://osha.europa.eu/sites/default/files/OSH_in_Europe_state_trends_report_2023_en.pdf.
- [26] European Commission. (2024). *The European Social Fund: Financial instruments*. Retrieved from https://www.fi-compass.eu/sites/default/files/publications/ESF_The_european_social_fund_EN.pdf.
- [27] European Convention on Human Rights. (1950, October). Retrieved from https://www.echr.coe.int/documents/d/echr/convention_ENG.
- [28] European Social Charter. (1996, May). Retrieved from <https://www.coe.int/en/web/european-social-charter>.
- [29] Gavrilyuk, A. (2024). *Thanks to organic fertilisers, MHP reduced the use of mineral fertilisers by 25%*. Retrieved from <https://agrotimes.ua/agronomiya/zavdyaky-organichnym-dobryvam-v-mhp-na-25-zmenshyly-vykorystannya-mindobryv/>.
- [30] Hunt, J. (2014). Making the CAP fit: Responding to the exploitation of migrant agricultural workers in the EU. *International Journal of Comparative Labour Law and Industrial Relations*, 30(2), 131-152. doi: [10.54648/ijcl2014009](https://doi.org/10.54648/ijcl2014009).
- [31] International Covenant on Economic, Social and Cultural Rights. (1966, December). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.
- [32] International Labour Organization. (2023). *Agriculture; plantations; other rural sectors*. Retrieved from <https://www.ilo.org/industries-and-sectors/agriculture-plantations-other-rural-sectors#intro>.
- [33] International Standard No. ISO 26000:2010 "Guidance on Social Responsibility". (2010). Retrieved from <https://www.iso.org/obp/ui/en/#iso:std:42546:en>.
- [34] Kernel. (n.d.). *Sustainable development and corporate social responsibility policy*. Retrieved from <https://www.kernel.ua/ua/sustainable-development/>.
- [35] Labour Code of Ukraine. (1996, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/322-08#Text>.

- [36] Latapí Agudelo, M.A., Jóhannsdóttir, L., & Davídsdóttir, B. (2019). A literature review of the history and evolution of corporate social responsibility. *International Journal of Corporate Social Responsibility*, 4, article number 1. doi: 10.1186/s40991-018-0039-y.
- [37] Law of Romania No. 202/2002 "On Equality of Opportunities for Women and Men". (2002, May). Retrieved from [https://fra.europa.eu/en/law-reference/law-2022002-equal-opportunities-women-and-men#:~:text=\(establishes%20the%20legal%20framework%20in,%2C%20including%20gender%20and%20race.\)](https://fra.europa.eu/en/law-reference/law-2022002-equal-opportunities-women-and-men#:~:text=(establishes%20the%20legal%20framework%20in,%2C%20including%20gender%20and%20race.)).
- [38] Law of Romania No. 265 "Approving Government Emergency Ordinance Nr. 195/2005 Environmental Protection". (2006, June). Retrieved from <https://www.global-regulation.com/translation/romania/3749468/law-no.-265-of-29-june-2006-approving-government-emergency-ordinance-nr-195-2005-environmental-protection.html>.
- [39] Law of Romania No. 53 "Labour Code". (2003, January). Retrieved from <https://is.gd/HQyiiv>.
- [40] Law of Ukraine No. 1105-XIV "On Compulsory State Social Insurance". (1999, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/1105-14#Text>.
- [41] Law of Ukraine No. 1264-XII "On Environmental Protection". (1991, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/1264-12#Text>.
- [42] Law of Ukraine No. 2145-VIII "On Education". (2017, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/2145-19#Text>.
- [43] Law of Ukraine No. 2694-XII "On Labour Protection". (1992, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/2694-12#Text>.
- [44] Law of Ukraine No. 2866-IV "On Ensuring Equal Rights and Opportunities for Women and Men". (2005, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/2866-15#Text>.
- [45] Liebman, A.K., Wiggins, M.F., Fraser, C., Levin, J., Sidebottom, J., & Arcury, T.A. (2013). Occupational health policy and immigrant workers in the agriculture, forestry, and fishing sector. *American Journal of Industrial Medicine*, 56(8), 975-984. doi: 10.1002/ajim.22190.
- [46] Mello, M.M., Freitas, W.R., Teixeira, A.A., Caldeira-Oliveira, J.H., & Freitas-Silva, L.G. (2021). Corporate social responsibility in agribusiness: Evidence in Latin America. *Journal of Agribusiness in Developing and Emerging Economies*, 11(5), 538-551. doi: 10.1108/JADEE-04-2020-0071.
- [47] MHP. (2023). *Sustainability reports*. Retrieved from <https://api.next.mhp.com.ua/images/51d31/2ef40/3472df60ca4e.pdf>.
- [48] MHP. (n.d.a). *Environmental protection*. Retrieved from <https://mhp.com.ua/uk/stalyy-rozvytok/okhorona-dovkillia>.
- [49] MHP. (n.d.b). *Legal information*. Retrieved from <https://mhp.com.ua/uk/partners/yurydychna-informatsiya>.
- [50] MHP. (n.d.c). *Sustainable development*. Retrieved from <https://mhp.com.ua/uk/stalyy-rozvytok>.
- [51] Ministry of Labour and Social Affairs of the Czech Republic. (2024). *Minimum wage information from 1 January 2024*. Retrieved from <https://www.mpsv.cz/documents/20142/225504/Informace+o+minim%C3%A1ln%C3%AD+mzd%C4%9B+od+1.+ledna+2024.pdf/3fde40fa-2639-4f37-e011-644d0f56822e>.
- [52] Nave, A., & Ferreira, J. (2019). Corporate social responsibility strategies: Past research and future challenges. *Corporate Social Responsibility and Environmental Management*, 26(4), 885-901. doi: 10.1002/csr.1729.

- [53] Nawaz, H., Hayat, K., Zehra, N., & Shabbir, M.S. (2022). Do the financial slacks improve the performance of agribusiness? A mediating role of corporate social responsibility activities. *Journal of Finance and Accounting Research*, 4(2), 75-98. doi: [10.29145/jfar.42.04](https://doi.org/10.29145/jfar.42.04).
- [54] Nazzaro, C., Stanco, M., & Marotta, G. (2020). The life cycle of corporate social responsibility in agri-food: Value creation models. *Sustainability*, 12(4), article number 1287. doi: [10.3390/su12041287](https://doi.org/10.3390/su12041287).
- [55] Order of the Cabinet of Ministers of Ukraine No. 66-r "On Approval of the Concept of Implementation of the State Policy in the Field of Promoting the Development of Socially Responsible Business in Ukraine for the Period up to 2030". (2020, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/66-2020-%D1%80#Text>.
- [56] Ortega, M.I., Sabo, S., Aranda Gallegos, P., De Zapien, J.E., Zapien, A., Portillo Abril, G.E., & Rosales, C. (2016). Agribusiness, corporate social responsibility, and health of agricultural migrant workers. *Frontiers in Public Health*, 4, article number 54. doi: [10.3389/fpubh.2016.00054](https://doi.org/10.3389/fpubh.2016.00054).
- [57] Pucheta-Martínez, M.C., & Gallego-Álvarez, I. (2019). An international approach of the relationship between board attributes and the disclosure of corporate social responsibility issues. *Corporate Social Responsibility and Environmental Management*, 26(3), 612-627. doi: [10.1002/csr.1707](https://doi.org/10.1002/csr.1707).
- [58] Ratajczak, M., & Stawicka, E. (2020). Big data analytics and corporate social responsibility: An example of the agribusiness sector. In J. Paliszkiwicz (Ed.), *Management in the era of big data: Issues and challenges* (pp. 115-125). New York: Auerbach Publications. doi: [10.1201/9781003057291](https://doi.org/10.1201/9781003057291).
- [59] Resolution of the Cabinet of Ministers of Ukraine No. 278 "On Approval of the List of Seasonal Work and Seasonal Industries". (1997, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/278-97-%D0%BF#Text>.
- [60] Sharma, E. (2019). A review of corporate social responsibility in developed and developing nations. *Corporate Social Responsibility and Environmental Management*, 26(4), 712-720. doi: [10.1002/csr.1739](https://doi.org/10.1002/csr.1739).
- [61] Soloviova, O., Krasnyak, O., Cherkaska, V., & Revkova, A. (2022). Strategic development of international corporate social responsibility in agribusiness. *Economics Ecology Socium*, 6(4), 51-64. doi: [10.31520/2616-7107/2022.6.4-5](https://doi.org/10.31520/2616-7107/2022.6.4-5).
- [62] State Labour Service of Ukraine. (2024). *Report on the State Labour Service of Ukraine's performance tracking of regulatory acts in 2024*. Retrieved from <https://dsp.gov.ua/wp-content/uploads/2024/12/zvit.pdf>.
- [63] State Standard of Ukraine No. ISO 26000:2019 "Social Responsibility Guidelines (ISO 26000:2010, IDT)". (2020). Retrieved from https://online.budstandart.com/ua/catalog/doc-page.html?id_doc=91617.
- [64] Tamvada, M. (2020). Corporate social responsibility and accountability: A new theoretical foundation for regulating CSR. *International Journal of Corporate Social Responsibility*, 5(1), article number 2. doi: [10.1186/s40991-019-0045-8](https://doi.org/10.1186/s40991-019-0045-8).
- [65] Trans-Oil. (2024). *Corporate occupational health & safety policy*. Retrieved from https://www.transoilcorp.com/db/media/TOGC-P-5.2-03_EN_OHS_2024_25062024.pdf.
- [66] Trans-Oil. (n.d.a). *Financial reports*. Retrieved from <https://www.transoilcorp.com/en/financial-reports/>.
- [67] Trans-Oil. (n.d.b). *Our sustainability policies*. Retrieved from <https://is.gd/LJzfmj>.

- [68] Universal Declaration of Human Rights. (1948, December). Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.
- [69] Vasylishyn, S., Bukhalo, O., & Yarova, V. (2024). Social responsibility indicators as a component of agribusiness integrated reporting. *Black Sea Economic Studies*, 87, 81-91. [doi: 10.32782/bses.87-13](https://doi.org/10.32782/bses.87-13).
- [70] Wettstein, F., Giuliani, E., Santangelo, G.D., & Stahl, G.K. (2019). International business and human rights: A research agenda. *Journal of World Business*, 54(1), 54-65. [doi: 10.1016/j.jwb.2018.10.004](https://doi.org/10.1016/j.jwb.2018.10.004).
- [71] Zaman, G., Panait, M.C., Voica, M.C., & Ene, C. (2020). Corporate social responsibility in the agri-food sector. In A. Gurtu (Ed.), *Recent advancements in sustainable entrepreneurship and corporate social responsibility* (pp. 37-68). London: IGI Global. [doi: 10.4018/978-1-7998-2347-6.ch003](https://doi.org/10.4018/978-1-7998-2347-6.ch003).

Корпоративна соціальна відповідальність у агробізнесі в контексті захисту прав людини у Східній Європі

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Анотація

Метою дослідження був аналіз корпоративної соціальної відповідальності (КСВ) в агробізнесі Східної Європи через призму захисту прав людини, зокрема екологічних і трудових. Методологія дослідження базувалася на використанні міждисциплінарного підходу, включаючи аналіз нормативно-правових актів, вивчення міжнародних стандартів КСВ, емпіричний аналіз діяльності агропромислових підприємств в Україні, Румунії та Чехії. Отримані результати продемонстрували, що впровадження КСВ значною мірою сприяє реалізації екологічних прав, зокрема права на чисте довкілля. Це досягається через раціональне використання природних ресурсів, впровадження відновлювальних технологій та зменшення викидів забруднюючих речовин. У трудовій сфері КСВ забезпечує захист прав працівників шляхом створення гідних умов праці, недопущення дискримінації та забезпечення соціальних гарантій, таких як медичне страхування й професійний розвиток. Аналіз великих агрохолдингів, а саме МНР (Україна), Trans-Oil (Румунія), Agrofert (Чехія), вказав, що компанії активно інтегрують КСВ у свої бізнес-стратегії, а саме у сфері захисту прав працівників, зокрема через створення безпечних умов праці, забезпечення соціальних гарантій і розвиток професійних навичок. Разом із тим, дослідження виявило значні бар'єри для системного впровадження КСВ у контексті захисту прав людини. Серед основних перешкод – недостатній державний контроль за дотриманням екологічних і трудових стандартів, а також обмежена участь громадянського суспільства у моніторингу діяльності агропромислових підприємств. Це ускладнює системні зміни та підвищує ризики порушення прав людини. У висновках наголошено на необхідності посилення державного контролю, розробки стимулюючих механізмів для бізнесу, зокрема податкових пільг, та активного залучення громадянського суспільства до моніторингу. Отримані результати підтвердили важливість інтеграції КСВ у бізнес-стратегії підприємств для забезпечення сталого розвитку та захисту прав людини

Ключові слова: : сталий розвиток; аграрний сектор; соціальні гарантії; умови праці; екологічна безпека



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Issue of establishing socially responsible public procurement of tactical equipment

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Abstract

The purpose of this study was to examine the specific feature of legal regulation of socially oriented public procurement with a focus on tactical equipment. The study comprehensively analysed the current legislation and identified key shortcomings, specifically the lack of mechanisms for the implementation of socially responsible criteria in the public procurement process. It was found that the focus on the lowest price in tenders hinders the assurance of product quality and social labour standards. The study also covered an analysis of international practices, including European Union legislation, specifically Directive 2014/24/EU on public procurement, which could be adapted in Ukraine. The study found that Ukraine faces a series of challenges related to socially responsible public procurement, particularly of tactical equipment. Procurement procedures, specifically for body armour, require substantial changes to improve efficiency and reduce corruption risks. One of the key problems is the lengthy procedures, which do not meet the needs of urgent deliveries for the military. As a result, instead of using public procurement, many unit commanders and volunteers turn to charitable organisations or private suppliers, leading to unauthorised deliveries and fraud. The study

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also analysed the practices of the United States and Finland in socially responsible procurement of tactical equipment. In Finland, public procurement includes environmental and social criteria for selecting suppliers, which ensures high quality standards and promotes the sustainable development of local production. Analysis of the US practices showed the significance of supporting local suppliers through programmes such as the Federal Acquisition Regulation, which encourages small businesses and suppliers and gives preference to domestic goods in federal procurement. The findings of the study indicated the necessity of simplifying procurement procedures. This would markedly improve the efficiency of public resource use, reduce corruption risks, and ensure the quality of tactical equipment supplies for the needs of the Armed Forces of Ukraine

Keywords: military operations; personal protective equipment; bulletproof vest; tender documentation; decent working conditions

Introduction

The development of socially responsible public procurement is a major area of public administration, especially in the context of ensuring national security and socio-economic development. This issue is particularly relevant in the procurement of tactical equipment, including personal protective equipment and other items necessary for the effective performance of tasks by the military and other specialised units. In the context of modern challenges related to military actions and economic instability, improving public procurement mechanisms should be a priority.

The problem addressed in this study is the insufficient consideration of social aspects in the current Ukrainian legislation regulating public procurement. The primary emphasis in regulations is placed on economic criteria, specifically cost minimisation, which limits the possibilities for a comprehensive assessment of procurement processes. Furthermore, the issue of ensuring adequate working conditions at enterprises producing tactical equipment is still unaddressed, despite its direct influence on product quality and the competitiveness of domestic producers. A separate problem is the lack of clear mechanisms to stimulate the development of Ukrainian production, which creates unequal conditions for

national enterprises to take part in tender procedures and contributes to the dominance of imported products on the internal market.

The issue of socially responsible public procurement is being actively researched at the international level B.K. Gidigah *et al.* (2022) analysed socio-economic policy in the field of public procurement in Ghana, focusing specifically on the lack of a clear definition of the term 'social value' and its integration as an evaluation criterion in legislation L. Ankersmit (2020) analysed the limitations of EU legislation in the field of public procurement, which, despite the possibility of taking environmental and social aspects into account, does not allow for the effective use of procurement to promote corporate social responsibility policies J.L. Fuentes-Bargues *et al.* (2021) focused on analysing the use of social criteria in public tenders for public works in the Valencia region of Spain. The researchers found that social criteria are considered in less than 12% of tenders, which is low compared to other countries. The implementation of socially responsible procurement mechanisms was also the subject of a study by S. Lonsdale and N. le Mesurier (2024). The researchers examined the practices of some English public authorities that

made great strides in the development of socially responsible public procurement, particularly through the appointment of responsible persons, the creation of specialised groups, the introduction of training, etc. The significance of internal political skills in overcoming resistance to the current procurement logic was also emphasised. K. Selviaridis *et al.* (2023) also explored the issue of socially responsible public procurement in the United Kingdom. The researchers analysed the strategic use of public procurement to create social value. Based on case studies from the UK public sector (metropolitan councils and hospitals), the researchers examined socially oriented procurement strategies, inter-organisational structures, supplier management, and capacity building and performance assessment measures.

In Ukraine, research on this topic is still fragmented. Public procurement legislation is focused on the achievement of economic goals, but issues of social responsibility, particularly working conditions, continue to be underdeveloped. V. Malolitneva (2021) focused her study on strengthening public law principles in the legal regulation of public procurement, particularly in the context of adapting Ukrainian legislation to EU standards and implementing sustainable development goals. The researcher analysed the effects of green and socially responsible procurement on the competitiveness of countries and the need for harmonisation with international standards. Author proposed ways to develop green and social procurement in Ukraine, specifically through the introduction of strategic planning in this area. V. Dresvyannikova and V.V. Grigorieva (2022) also explored the evolution of the national public procurement mechanism in Ukraine, particularly in the context of the challenges of martial law and increased spending on defence and social support. The researchers analysed the role of public procurement in stabilising the economy during the war and its significance

for the country's post-war recovery. The focus was on finding ways to improve the procurement system to facilitate both infrastructure recovery and socio-economic development in Ukraine. O.P. Svitlychnyi *et al.* (2023) also covered this subject. Their study analysed the specific features of public procurement in Ukraine during martial law, specifically its regulatory framework and practical implementation. Special attention was paid to simplified procurement algorithms that allow bypassing open tenders and electronic catalogues under certain circumstances.

Analysis of scientific studies on public procurement revealed a series of significant aspects that were still understudied in the context of developing socially responsible public procurement of tactical equipment. Specifically, many researchers considered general approaches to socially responsible procurement, including the integration of social criteria, environmental aspects and the promotion of corporate social responsibility, but the focus was mainly on civilian sectors such as construction, education, or healthcare. Issues related to the specificities of procurement in the defence sector, particularly tactical equipment, continue to be unexplored. Furthermore, despite growing interest in the introduction of social and environmental standards in public procurement, there is a lack of detailed studies analysing working conditions in companies producing tactical equipment and their impact on product quality. There is no comprehensive approach to studying mechanisms for stimulating domestic producers of this specific type of product, which is crucial for the country's defence capability.

The purpose of the present study was to examine the problems of legislative regulation of socially responsible public procurement, using tactical equipment as an example. To fulfil the purpose of the study, the following tasks were set: to analyse the current legislation of Ukraine in the field of public procurement, specifically regarding social

responsibility; to identify the key problems and gaps in the regulatory framework that affect the provision of adequate working conditions at manufacturing enterprises and the competitiveness of national products; to develop recommendations for improving legal mechanisms to support socially responsible procurement and stimulate domestic production of tactical equipment.

Materials and Methods

To achieve the research objectives, several approaches and methods were employed to comprehensively analyse the issue of socially responsible public procurement of tactical equipment in Ukraine and abroad. The first stage of the study was to analyse national regulations governing public procurement procedures in Ukraine, particularly in the field of defence procurement, as this sector has a series of specific features related to the nature of its needs, security, and urgency of procurement. To this end, key regulations defining the general principles of procurement, as well as the specifics of defence procurement, were selected. The key documents included the Law of Ukraine No. 922-VIII "On Public Procurement" (2015) – for understanding the general principles of organising and conducting tenders in Ukraine. Additionally, the Law of Ukraine No. 808-IX "On Defence Procurement" (2020) defined the specifics of procurement in the defence sector. Furthermore, the Directive of the European Parliament and of the Council No. 2014/24/EU (2014) was analysed at this stage to assess the possibility of considering social and environmental criteria in public procurement. The Association Agreement Between the European Union and its Member States, of the One Part, and Ukraine, of the Other Part (2014) was also reviewed, which helped to identify EU requirements for procurement. The Labour Code of Ukraine (1996) was employed to investigate the requirements for safe working conditions in enterprises, specifically

regarding the technical condition of equipment and the compliance of workplaces with hygiene standards. The Recommendations of the State Emergency Service of Ukraine (2022) were also analysed to examine the procedures governing actions during air raid alerts, which is significant for enterprises operating in high-risk areas where production may be halted during an alert to ensure the safety of workers. The next stage was a comparative analysis of international practices. For comparison, legislative acts and procurement practices in the United States were explored, specifically, the Federal Acquisition Regulation (2025) (FAR) was found to contain provisions that allow supporting local producers through preferences.

The study examined data from the State Statistics Committee (2024) to examine the enterprises in high-risk and hazardous working conditions, particularly for enterprises, to understand the legal norms governing occupational safety, and to analyse the specific characteristics of enterprises operating in high-risk industries. The study also used the method of analysing public tenders on the Prozorro platform. Procurement data and technical requirements for goods, specifically body armour, were examined, and information about suppliers and the results of concrete tenders relating to personal protective equipment were studied. To confirm the results of the theoretical analysis, several case studies were conducted, including the study of cases of fraud in the supply of goods such as body armour and other personal protective equipment, as well as Finland's practices in conducting tenders.

Results

Socially responsible public procurement (SRPP) is defined as the process of purchasing goods, works, or services that factors in not only the economic criteria but also the social criteria such as environmental safety, ethical production

standards, and decent working conditions. This concept is becoming increasingly significant in European legislation, as reflected in Article 18 of Directive of the European Parliament and of the Council No. 2014/24/EU (2014). It emphasises the obligation of public purchasers to ensure compliance with social, environmental, and

labour standards. In Ukraine, the development of SRPP is part of the process of integration into the European community, but national legislation focuses mainly on economic aspects, which creates major constraints for the implementation of social objectives. Table 1 presents the key principles of SRPP.

Table 1. Basic principles of socially responsible public procurement

Principle	Description	Implementation examples
Transparency	Provision of access to procurement information for all interested parties.	Publication of tender documentation on Prozorro
Environmental friendliness	Consideration of the impact of procurement on the environment.	Procurement of tactical equipment made from environmentally friendly materials
Ethics	Respect for workers' rights, avoidance of child labour.	Control of working conditions at manufacturing enterprises
Innovativeness	Introduction of the latest technologies to improve product quality and procurement efficiency.	Introduction of bulletproof vest tracking systems

Source: compiled by the author based on data from R. Caranta (2022)

The current legislation of Ukraine, specifically the Law of Ukraine No. 922-VIII (2015) and the Law of Ukraine No. 808-IX (2020), comprehensively regulates the procedures for conducting tenders with a focus on ensuring maximum transparency and creating conditions for fair competition. Legislative norms oblige customers to adhere to the principles of openness, which includes the publication of all stages of the tender process on official platforms, such as the Prozorro system. This ensures public access to information about announced procurements, submitted bids, tender committee decisions, and concluded contracts. Transparency helps minimise corruption risks, as every market participant can get equal access to information and compete on equal terms (Williams & Andrew, 2021). However, regulations do not make provision for the mandatory consideration of social criteria, which becomes an obstacle to the development of SRPP. In the context of socially responsible public procurement, the procurement of tactical equipment requires special attention, as these

goods are of strategic significance for ensuring the country's defence capability, especially in conditions of military conflict and threats to national security. Therefore, such procurement should factor in not only quality and economic criteria, but also social, environmental, and ethical aspects (Olsson & Öjehag-Pettersson, 2020).

For the period until 2024, Ukrainian public procurement legislation does not contain clear rules obliging customers to consider socially responsible criteria when procuring tactical equipment. Specifically, aspects such as working conditions at manufacturing companies, compliance with occupational health and safety standards, or social guarantees for employees are not mandatory criteria in tender procedures. This gap creates opportunities for manufacturers who ignore social standards to gain an advantage by reducing their production costs.

For example, the Law of Ukraine No. 922-VIII (2015) (Article 22) prescribes the possibility of using evaluation criteria related to the quality, environmental friendliness, or innovativeness of

goods. However, the absence of a mandatory requirement to include social criteria, such as working conditions or compliance with occupational health and safety standards, effectively leaves these aspects to the discretion of the customer. As a result, the lowest price criterion prevails, which encourages unscrupulous manufacturers to cut costs to ensure adequate working conditions.

The issue of public procurement, particularly of tactical equipment, in the context of a full-scale war is crucial for ensuring the protection of military personnel and civilians. However, the current approaches to procurement reveal a series of shortcomings that complicate the process and jeopardise the timeliness of deliveries. According to the Law of Ukraine No. 922-VIII (2015), conducting a tender requires an extensive amount of time. Specifically, the preparation of tender documentation, the period for submitting bids, the auction, and the conclusion of the contract can take several weeks, which is critical in wartime. Delays in the supply of tactical equipment directly affect the safety of military personnel. Overall, if all the rules are followed, buying tactical gear can take over a month, not counting any delays from appeals.

In crises, when providing for military personnel is critical, such deadlines are unacceptable. Due to delays, unit commanders or military personnel themselves are often forced to turn to charitable organisations or volunteers to obtain the necessary equipment, such as body armour. However, although such appeals are faster, they do not guarantee protection from fraud. For example, in Kyiv, a 20-year-old man defrauded three volunteers who transferred over UAH 100,000 for the purchase of protective helmets, body armour, and armour plates (Rybalskaya, 2022). Instead of delivering the promised equipment, the fraudster disappeared with the money, according to the Kyiv City Prosecutor's Office. In another case, the director of a company in Kyiv supplied the Armed Forces with poor-quality uniforms worth

over UAH 35 million (Petrenko, 2024). Such incidents undermine confidence in alternative means of procuring equipment. Furthermore, customers include requirements that do not affect the quality of the goods or the speed of delivery, such as certificates that are not directly related to the declared product characteristics or certificates of no debt, which can be verified in automated systems. Such requirements increase the bureaucratic burden on tenderers and may reduce competition due to suppliers' refusal to take part. The lack of uniform minimum requirements for the technical characteristics of body armour creates situations where participants submit heterogeneous bids, making it difficult to select a winner. For example, options with differing levels of protection may be considered in the same tender, which affects the objectivity of the evaluation. Thus, the lack of an expedited procurement procedure in the state system creates serious risks for the prompt and high-quality provision of military equipment. The development of special mechanisms that factor in the military's needs for urgent delivery and quality standards could substantially reduce these risks and minimise dependence on volunteer assistance.

It is also essential to consider international practices, specifically EU directives that focus on the integration of social requirements into tender procedures. For example, the Directive of the European Parliament and of the Council No. 2014/24/EU (2014) prescribes the consideration of environmental and social aspects as one of the mandatory criteria. Ukraine, having embarked on a course of adapting its legislation to European standards, must factor in these requirements. The absence of such norms not only contradicts the principles of social responsibility, but also complicates the implementation of Ukraine's international commitments, particularly within the framework of the Association Agreement (2014) (Section V, Article 150). In this regard, it is advisable to amend national legislation

to make it mandatory to consider social criteria in public procurement, especially in strategic areas such as the production of tactical equipment.

Support for local suppliers is a key aspect of the development of national production, especially in the strategically significant area of tactical equipment manufacturing (Mebrate & Shumet, 2024). In the context of ongoing military aggression by the Russian Federation, Ukraine faces numerous war-related economic challenges that require the introduction of mechanisms to stimulate internal production. The procurement of tactical equipment can be one of the drivers of economic growth, contributing to the creation of new jobs, increasing state budget revenues, and reducing dependence on imported products.

Support for local suppliers will also contribute to improving the technological level of enterprises. Improving production processes, introducing the latest quality standards, and increasing the competitiveness of Ukrainian products on the international market are promising areas of development that can be implemented through responsible public procurement policies. Involving local manufacturers will make it possible to adapt products to the specific needs of military personnel, considering their real requirements for ergonomics, protective properties, and durability of equipment.

Furthermore, securing stable orders for local producers will contribute to the development of small and medium-sized enterprises, which are often the backbone of regional economic stability (Amann *et al.*, 2014). This is significant not only for sustaining the economy in wartime, but also for laying the foundations for long-term development after the conflict ends. Specifically, the growth of Ukrainian enterprises' production capacities can contribute to the diversification of production and the expansion of the range of products that meet both military and civilian needs. Support for national producers is also of strategic significance for national security (Jain *et al.*, 2019).

The development of domestic production capabilities reduces dependence on imports, which in crises can be unreliable due to logistical or political constraints (Casady *et al.*, 2023). Thus, the localisation of tactical equipment production is not only economically viable but also critically necessary to ensure the country's defence capability.

In December 2023, the State Rear Operator ("DOT"), a procurement agency of the Ministry of Defence of Ukraine, began operations. It actively promotes the involvement of Ukrainian manufacturers in the supply of material assets for the Armed Forces of Ukraine. Thanks to its work, 28 new Ukrainian companies have been involved in supplies, increasing the share of internal manufacturers in the total volume of contracts to over 80%. Among other orders, the agency signed a contract with a domestic manufacturer to supply chemical hand warmers, which serve as an alternative source of heat for the military. These packs contain a mixture of natural ingredients, such as salt, activated carbon, and water, which generate heat when they interact. Previously, only Chinese equivalents were supplied to the army at a significantly higher price. Replacing imported warmers with products from a Ukrainian manufacturer saved the state budget about UAH 12.5 million, while the total purchase cost was almost UAH 9 million. Increased competition among suppliers contributes to improving the quality of products for the military and reducing their cost (The procurement agency of the Ministry of Defence..., 2023). The primary goal of the agency is to effectively use state resources and provide the military with everything necessary to perform their tasks. Transparent procurement rules ensure a wider choice of suppliers, which contributes to increased competition in the market, attracts new participants, and creates favourable conditions for the introduction of innovative solutions that improve the quality of goods and services and more effectively meet the needs of customers (Melander & Arvidsson, 2020).

The Directive of the European Parliament and of the Council No. 2014/24/EU (2014) contains provisions that allow factoring in the local economic interests. Article 18(1) prescribes the principles of public procurement, specifically non-discrimination, equal access, and proportionality. At the same time, this study allows customers to include social, environmental, or innovative requirements in procurement criteria, provided that they do not restrict competition. This can be used to support local economic interests by factoring in the socially responsible aspects. Article 67(2) defines the criteria for awarding contracts and allows contracting authorities to consider the 'most economically advantageous tender', which may include aspects such as quality, environmental characteristics, technical advantages, and social criteria. Contracting authorities may, for instance, include a requirement to create jobs in the region or to support small and medium-sized enterprises. In this way, the Directive allows factoring in the local interests through social or economic conditions, while maintaining a balance with the principles of competitiveness.

The current legislation of Ukraine does not provide effective mechanisms to support local producers in the field of defence procurement. The Law of Ukraine No. 922-VIII (2015) does not provide preferences for local suppliers, except for a limited number of cases within the framework of state defence orders involving special procedures. The absence of such mechanisms puts Ukrainian enterprises at a disadvantage, as foreign companies often offer products at lower prices due to larger production volumes, the use of more modern technologies, and access to cheaper resources.

For example, Ukrainian manufacturers of tactical equipment face extensive costs for raw materials and energy, which substantially affects the cost of production. Foreign companies, particularly those from the European Union and Asia, have considerable advantages in international

competition thanks to their developed supply chains and subsidies from their governments. In EU countries such as Germany, France, and Poland, governments provide financial support to companies that produce materials for tactical equipment through defence industry support programmes such as the European Defence Fund. For instance, France's Thales Group (2024) develops tactical communication systems, while Poland's Lubawa SA manufactures textile materials for body armour and tents. In the United States, provisions on support for local suppliers in public procurement are contained in the FAR (2025), specifically: Part 19 of the FAR (Small Business Programs) requires customers to promote the participation of small businesses, businesses owned by veterans, women, and members of national minorities in public procurement. For example, according to section 19.502-2 "Total Small Business Set-Asides" (Federal Acquisition..., 2019), customers are required to give priority to local small businesses in contracts below a certain threshold. Part 25, Buy American Act (41 U.S.C. §§ 8301-8305), implemented in FAR (2025), requires that products manufactured in the United States be given preference in federal government procurement. This is reflected in FAR Section 25.1, which sets out rules for the use of domestic products and establishes criteria for identifying such products. Thus, the FAR is a comprehensive regulatory framework governing government procurement and includes provisions to support domestic suppliers.

Such conditions allow foreign companies to offer products at lower prices, which puts Ukrainian manufacturers at a disadvantage. Even if they meet international standards, domestic products cannot always compete due to the lack of analogous state support, as well as limited infrastructure and resources. This reduces the market share of Ukrainian manufacturers, creating challenges for the development of domestic production. It is advisable for Ukraine to develop amendments to

the current legislation that would provide preferences for local producers in the procurement of tactical equipment. For example, a requirement for a minimum share of local components in products could be introduced, or additional points could be awarded in tender procedures to companies that use local raw materials, create jobs, particularly for internally displaced persons, and adhere to high social standards. Such measures would not only help strengthen domestic production, but also reduce dependence on foreign suppliers, ensure the country's economic stability, and raise the level of technological development of Ukrainian enterprises in the defence industry.

Current Ukrainian legislation focuses mainly on economic aspects, such as reducing procurement costs, and does not account for social aspects, such as ensuring adequate working conditions in enterprises or supporting national producers. Legislative acts such as the Law of Ukraine No. 922-VIII (2015) and the Law of Ukraine No. 808-IX (2020) focus on formal procedures and economic efficiency. At the same time, criteria relating to working conditions, environmental responsibility, or local production continue to be poorly regulated.

At the international level, socially responsible public procurement is being actively implemented in legislation and practice. The European Union is a leader in this area. For instance, the Directive of the European Parliament and of the Council No. 2014/24/EU (2014) prescribes the consideration of social, environmental, and labour criteria in procurement. EU governments use procurement as a tool to stimulate innovative production, create jobs, and support the national economy (Grimbert *et al.*, 2024). This experience is valuable for Ukraine, as it allows adapting the best practices to local conditions.

The issue of working conditions in companies producing tactical equipment is critical in the context of developing socially responsible public

procurement. According to the State Statistics Service of Ukraine, a significant proportion of employees in national enterprises, especially in high-risk sectors, face hazardous working conditions. For example, in 2023, over 20% of workers at such enterprises worked in conditions that exceeded hygiene standards, creating additional risks to their health and productivity (State Statistics Committee, 2024). According to Article 153 of the Labour Code of Ukraine (1996), employers are obliged to ensure safe working conditions, including the technical condition of equipment, and the compliance of workplaces with hygiene standards. However, these requirements are often not met due to financial difficulties or a lack of proper control. Modernising these enterprises and following social standards are significant steps towards improving their competitiveness. This also strengthens confidence in the products they supply for defence purposes and contributes to the creation of jobs with decent working conditions. One way to address this issue is to integrate requirements for compliance with occupational health and safety standards into public procurement criteria, which could positively affect the development of the sector (Demircioglu & Vivona, 2021). Companies, particularly those involved in the production of tactical equipment, face additional risks due to constant air raid alerts resulting from the military aggression against Ukraine. In such conditions, employees are forced to stop the production process and move to shelters, which considerably complicates the work of enterprises. This not only reduces productivity but also creates additional psychological stress on employees. According to the recommendations of the State Emergency Service of Ukraine (2022), during an air raid alert, all citizens, including employees of enterprises, must immediately proceed to the nearest shelters. This process affects production cycles, especially in industries where continuity of work is required to fulfil government contracts.

To address these issues, comprehensive measures must be implemented at the legislative and management levels. Social criteria must be integrated into national public procurement legislation. These could include requirements to follow labour standards, create safe working conditions, and involve internally displaced persons in the workforce. Additionally, international practices, specifically European Union practices, should be adapted to Ukrainian context. This will ensure the harmonisation of national standards with international standards and promote investment in this area. For instance, in Finland, environmental friendliness of production became a key condition

for the procurement of military uniforms in 2021. The tender documentation required confirmation of compliance with ISO 14001 (environmental management) and SA8000 (social responsibility) standards (Police of Finland, 2022). This ensured that production did not harm the environment and respected workers' rights. Unlike Ukraine, where price is currently the key criterion, this practice ensures long-term social benefits. Table 2 compares the characteristics of tactical equipment according to socially responsible procurement criteria, including environmental friendliness of production, working conditions, and compliance with international social responsibility standards.

Table 2. Comparison of tactical equipment characteristics based on socially responsible procurement criteria

Criterion	Made in Ukraine	Made in EU
Environmental friendliness of materials	Use of locally sourced materials with eco-certificates	High level of environmental friendliness (ISO 14001 standard)
Social working conditions	Compliance with the Labour Code of Ukraine	Compliance with ILO standards
Product quality	Average level (minimum requirements met)	High level (European quality standards implemented)
Product cost	Moderate	High
Warranty period	1 year	3 years
Service availability	Availability of local service centres	Support through distributors

Source: developed by the author based on A. Semple (2017) and J. Bryson and B. George (2020)

Another prominent area is stimulating the development of domestic production. For example, a system of preferences for Ukrainian manufacturers could be introduced in the tendering process, encouraging them to take part in public procurement through state subsidies or tax relief. Furthermore, it is essential to create conditions for the modernisation of production facilities and the introduction of innovations in the production of tactical equipment (Manta *et al.*, 2022). Such tenders would become a tool for stimulating the economy, contributing to the creation of new jobs. To take part, companies would have to ensure compliance with national labour standards and product specifications.

The implementation of these measures requires enhanced interagency cooperation, specifically between government authorities, regulatory bodies, civil society organisations and businesses. This will ensure the effective implementation of socially responsible procurement policies and stimulate economic development. Socially responsible procurement aims not only to meet basic product needs, but also to create additional value for society, such as compliance with environmental, social, and ethical standards (Klein *et al.*, 2022). Ukraine also has experience in socially responsible public procurement, for instance, through the involvement of companies that employ internally displaced persons, but this

does not apply to tactical equipment. In 2023, goods manufactured by companies employing internally displaced persons were actually purchased through the Prozorro platform. For example: Purchase of food packages for internally displaced persons. The Executive Committee of the Mariupol City Council made purchases worth over UAH 69 million to provide displaced persons with food packages (Tender of the Executive Committee of the Mariupol City Council No. UA-2023-12-20-024744-a, 2023). This approach helped not only to provide humanitarian aid, but also to support enterprises that were actively involved in solving social problems during challenging times. Arrangement of temporary accommodation for displaced persons. The Shyrokyivska Village Council in the Zaporizhzhia region organised the purchase of goods for the refurbishment of premises intended for the accommodation of internally displaced persons (Tender of the Shyrokyivska Village Council of the Zaporizhzhia District of the Zaporizhzhia Region No. UA-2023-08-19-000250-a, 2023). This initiative had both a social and economic impact, supporting local producers and contractors. These examples illustrate a socially responsible approach to public procurement aimed at supporting the economy and addressing social issues in times of crisis. They can serve as a model for developing analogous approaches to the procurement of tactical equipment.

Based on the results of the study, to improve socially responsible public procurement of tactical equipment, comprehensive changes must be made to procurement procedures to make the process more efficient, transparent, and conducive to attracting more suppliers. The key areas for improvement include reducing the time needed to prepare tender documentation. Both customers and tenderers face a lengthy and laborious process of preparing documentation. Simplifying requirements, automating the process of collecting information from open registers, and reducing the

amount of unnecessary information would markedly expedite this stage. For example, the introduction of electronic templates for standard tenders would save a lot of time. The next step could be the standardisation of technical specifications. For the period up to 2023, requirements for tactical equipment (e.g., body armour) are often inconsistent or overly detailed (State procurement of individual..., 2023). To avoid confusion, unified minimum standards based on DSTU or international standards (e.g., NIJ) should be developed. This includes a clear definition of protection classes, maximum permissible weight, service life, and ergonomics. Such standards will not only ensure transparency but also enable customers to receive high-quality offers. It is also necessary to simplify the requirements for tender offers. Tender participants request documents that have no direct influence on the quality of the goods or the speed of their delivery. For example, references that are already available in registers or documentation relating to the structure of the enterprise are requested (Tender Ministry of Defence of Ukraine No. UA-2023-09-14-014201-a, 2023). The introduction of simplified requirements for participation in tenders, the elimination of the need to provide excessive documents, and the implementation of the principle of centralised verification of information through an integrated system will greatly simplify the application process and create more accessible conditions for participants.

Optimisation of procurement procedures will help eliminate subjectivity in the evaluation of bids, as clear standards for technical specifications and tender documentation will reduce the possibility of manipulation (Torres-Pruñonosa *et al.*, 2021). Furthermore, automation and the use of electronic systems such as Prozorro will ensure greater transparency and accessibility of information. Thanks to the simplification and standardisation of procedures, small and medium-sized enterprises, which often avoid procurement due to

the complexity of the process, will be able to take part in tenders. A greater number of participants will contribute to lower prices, which will allow the state to save budget funds. Overall, this approach to socially responsible procurement will not only increase its efficiency but also ensure that military personnel are provided with high-quality equipment in the shortest possible time. It will also create favourable conditions to develop domestic production, contribute to budget savings, and improve the country's defence capabilities.

Discussion

The results of the present study confirmed the significance of a socially responsible approach to public procurement of tactical equipment, which was consistent with the findings of many other researchers. Specifically, it was found that the introduction of environmental and social criteria into procurement processes not only contributes to the ethicality of production processes but also stimulates innovation in the industry. A comparison of the presented findings with international practices allows highlighting several key aspects.

The strategic use of public procurement to achieve political and social goals is a prominent topic in contemporary public administration research. J. Grandia and J. Meehan (2017) determined that public procurement can be a powerful tool for achieving socially important goals, but its implementation faces a series of challenges. Specifically, the researchers emphasise the insufficient strategic maturity of the procurement system and the difficulties in measuring its impact and success. It is worth agreeing with the conclusions of J. Grandia and J. Meehan (2017) regarding the significance of a strategic approach to public procurement management. This study also identified analogous challenges related to a weak legislative framework and a lack of institutional support. However, this study additionally focused on the integration of social and environmental

standards into procurement processes, which can contribute not only to the achievement of public goals, but also to improving product quality and creating competitive advantages for responsible producers. Together, these approaches confirm the significance of a comprehensive consideration of the strategic and practical aspects of public procurement for achieving sustainable development.

E. Uyarra *et al.* (2019) explored the concept of socially responsible procurement, focusing on the transformative nature of public policy. Their research showed that the use of tools such as the UK's Social Value Act enables local authorities to formulate requests for social and environmental innovation more effectively. Another approach to public procurement involves coordinating different actors and policy levers to create public value and address key social challenges. The results of this study suggest that the introduction of socially responsible criteria in public procurement of tactical equipment can markedly influence market development. Specifically, an emphasis on environmentally friendly production and compliance with social standards not only improves product quality but also strengthens trust in the procurement process, stimulating innovation among manufacturers. Significant barriers were identified in Ukraine, related to insufficient legislative support and limited implementation of international standards. Both studies demonstrate shared trends, such as the need to consider environmental and social factors in decision-making processes, but their results differ in scale and focus. The conclusions of this study focus on the practical application of socially responsible procurement to stimulate the local market and ensure the quality of tactical equipment, specifically body armour. At the same time, the researchers' findings emphasised the significance of integrating innovative approaches into public policy as a means of addressing global challenges. This confirms the need for a balance between global concepts and

local practices to achieve effective results. E. Uyarrar *et al.* (2019) and F. Hafsa *et al.* (2022) share the same opinion. The researchers explored the role of public procurement as a tool for improving social outcomes at the global level. They emphasised that governments, as the largest buyers, can use their purchasing power to support vulnerable groups, ensure labour rights, and reduce environmental impact. Notably, both studies emphasise the significance of social responsibility in public procurement but have different focuses: this one is aimed at the sectoral level and practical implementation, while F. Hafsa *et al.* (2022) offered a broader conceptual framework for understanding social public procurement. Thus, the presented findings complement the researchers' theoretical approach by demonstrating how general principles of socially responsible procurement can be adapted to concrete conditions and sectors.

In the context of research on socially responsible procurement, it is essential to consider both the practical aspects of its implementation and the strategic challenges. K.L. Wontner *et al.* (2020) and the present study offered different perspectives on this topic, focusing on conceptual issues and practical results, respectively. The researchers examined the effects of public goods in the context of public procurement, highlighting their role in achieving positive socio-economic outcomes for local communities. At the same time, the researchers pointed to problems that may arise when implementing public goods, including tensions between distinct policies, differences in views between buyers and suppliers, and the unintended consequences of the dominance of one form of public goods over another. The findings of the present study and the cited study have shared features in their focus on the implementation of socially responsible practices in public procurement, but they consider different aspects of this issue. The findings of the present study differ from those of K.L. Wontner *et al.* (2020),

as it emphasised the positive effects of socially responsible procurement on the development of the tactical equipment market, improving product quality and creating competitive advantages for responsible companies. In contrast, the researchers analysed the conceptual challenges and systemic consequences of implementing socially responsible procurement, which may be useful for developing more comprehensive approaches to integrating socially responsible practices into the public sector. Both approaches complemented each other, highlighting both the practical and strategic aspects of the issue.

With the growing role of social aspects in public procurement, it is vital to understand the different approaches to their integration into management processes. R. Vluggen *et al.* (2020) examined the influence of factors on the implementation of social return on investment, emphasising the significance of trust between stakeholders and their representatives as a key driver of this process. At the same time, they highlighted obstacles such as administrative burdens and legislative constraints that hindered the implementation of social return on investment. The present study focused on the integration of social and environmental standards into procurement processes, particularly for tactical equipment. The study found that such initiatives not only promote ethical production but also stimulate innovation and support responsible manufacturers. The present study did not cover the issue of social return on investment as a specific tool for evaluating the effectiveness of public procurement, focusing instead on the priority of social aspects in socially responsible procurement. This study emphasised that social aspects should prevail over price factors in decision-making, especially when it comes to public procurement of tactical equipment. Together, these findings point to the need to improve mechanisms for assessing and implementing socially responsible practices through

better regulation and management processes, as well as the development of transparent and trusting relationships between all participants.

Social procurement is becoming a valuable tool for addressing social problems, but its effectiveness depends on systemic support and clear regulation. D. Troje and T. Andersson (2021) examined social procurement practices in the Swedish construction sector. The researchers found that although practices such as setting employment conditions for marginalised groups had significant potential to reduce social exclusion and unemployment, their implementation was still fragmented and insufficiently structured. Key challenges included weak incentives for internship participants, insufficient integration of social practices into organisations and projects, and weak support mechanisms for formalising sustainable practices. The present study focused on the integration of social and environmental criteria in public procurement of tactical equipment in Ukraine. It was noted that the implementation of such practices contributes to the creation of ethical and sustainable procurement processes and stimulates innovation, but faces a series of challenges, including a weak legal framework, administrative barriers, and insufficient institutional support. A comparison of these studies revealed several shared features: both studies recognised the value of social procurement as a tool for addressing social problems. They also highlighted the lack of institutional support and weak implementation mechanisms as key obstacles. However, the present study focused more on the integration of environmental and social standards into Ukrainian legislation, while the cited study focused on the creation, implementation, and dissemination of social practices in a particular sector, namely the construction sector. Together, these findings demonstrated that successful implementation of social procurement requires strengthening the legislative framework,

developing incentive mechanisms, and ensuring strategic coordination between all actors involved in the process.

Strategic public procurement is a powerful tool for addressing both societal and government challenges. L. Duong *et al.* (2024), in their study on the use of strategic public procurement in the social housing sector, examined the key challenges and the need to involve various stakeholders to achieve NetZero goals. Despite differences in the subject matter (social housing and energy versus tactical equipment), the conclusions of both studies have shared features. The present study also focused on the use of strategic procurement to integrate social and environmental standards, although the focus was on the production of tactical equipment. It was found that a crucial factor for the success of such procurement is the involvement of all stakeholders and the removal of barriers such as a weak legislative framework and a lack of adequate institutional support. Both studies emphasised the significance of aligning the interests of stakeholders to achieve sustainable development and effective strategic procurement. Thus, although the subject of the study differed, both studies demonstrated that strategic public procurement is a key tool for addressing systemic challenges through the development of a comprehensive approach to procurement process management.

Summarising the results of the discussion, a comparison with the studies of other researchers confirmed the relevance and significance of strategic public procurement as an effective tool for achieving social, environmental, and economic goals. Specifically, the studies emphasised the role of procurement in improving product quality, supporting responsible producers, reducing social inequality, and increasing community resilience. At the same time, key challenges were identified, including a lack of strategic maturity, the absence of effective legislative mechanisms, insufficient stakeholder involvement, and the existence of

organisational and administrative barriers. These aspects require further research and improvement to maximise the potential of public procurement in various areas.

Conclusions

The results of the study on the legislative regulation of tactical equipment procurement, particularly in the context of working conditions at relevant enterprises and ensuring the development of national production of personal protective equipment, found that socially responsible procurement is a key tool for addressing contemporary challenges. This relevance is driven by the need of the state and society to improve the efficiency of resource use, ensure high labour standards and create favourable conditions for the development of national producers. The study confirmed that the existing legislative framework in Ukraine does not yet meet the requirements for ensuring transparency, efficiency, and strategic maturity of socially responsible public procurement. Among the key problems identified in the study is that the current public procurement legislation does not make provision for social indicators as mandatory criteria for evaluating tender bids. This makes it impossible to systematically account for the impact of procurement on the social sphere, such as job creation, support for local businesses, or reduction of social inequality. Furthermore, the lack of clearly defined mechanisms for state support for national producers markedly reduces their competitiveness in both internal and external markets. This situation hinders the development of national production, particularly in the field of tactical equipment, where both social and economic aspects of sustainable development are essential.

Research into the practices of other countries, specifically the United States and Finland, revealed that socially responsible public procurement can be an effective tool for achieving social,

environmental, and economic goals. In Finland, great attention is also paid to the transparency of processes, which enables effective monitoring of the impact of procurement on society. An analysis of international practices, particularly in the United States, showed the value of supporting local suppliers through clearly defined programmes such as FAR, where Part 19 and Section 25 provide mechanisms to encourage the participation of small businesses and suppliers owned by veterans, women, and representatives of national minorities, which creates a competitive environment and gives preference to domestic products in federal procurement. International examples of socially responsible public procurement demonstrated the significance of a systematic approach to public procurement policy development that accounts for local characteristics but is oriented towards best international practices. The application of such approaches in Ukraine could contribute to solving existing problems, specifically the development of national production of tactical equipment and increasing its competitiveness, which is especially relevant in the context of military operations and socio-economic challenges.

To improve outcomes in the future, it is necessary to focus on developing and implementing an effective legislative framework that provides mechanisms to support national enterprises in the context of socially responsible public procurement. Particular attention should be paid to ensuring the transparency and accessibility of procurement procedures, as well as creating conditions for the broad involvement of stakeholders in the decision-making process. Furthermore, a prominent aspect is the introduction of the latest methods for assessing the impact of procurement on socio-economic processes, which will facilitate more informed decisions.

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References

- [1] Amann, M., Roehrich, J., Eßig, M., Harland, C., Schaltegger, S., & Burritt, R. (2014). Driving sustainable supply chain management in the public sector: The importance of public procurement in the European Union. *Supply Chain Management: An International Journal*, 19(3), 351-366. doi: [10.1108/SCM-12-2013-0447](https://doi.org/10.1108/SCM-12-2013-0447).
- [2] Ankersmit, L. (2020). The contribution of EU public procurement law to corporate social responsibility. *European Law Journal*, 26, 9-26. doi: [10.1111/eulj.12353](https://doi.org/10.1111/eulj.12353).
- [3] Association Agreement Between the European Union and its Member States, of the One Part, and Ukraine, of the Other Part. (2014, March). Retrieved from https://zakon.rada.gov.ua/laws/show/984_011#Text.
- [4] Bryson, J., & George, B. (2020). Strategic management in public administration. *Oxford Research Encyclopedia of Politics*. doi: [10.1093/acrefore/9780190228637.013.139](https://doi.org/10.1093/acrefore/9780190228637.013.139).
- [5] Caranta, R. (2022). Towards socially responsible public procurement. *ERA Forum*, 23, 149-164. doi: [10.1007/s12027-022-00718-5](https://doi.org/10.1007/s12027-022-00718-5).
- [6] Casady, C.B., Petersen, O.H., & Brogaard, L. (2023). Public procurement failure: The role of transaction costs and government capacity in procurement cancellations. *Public Management Review*. doi: [10.1080/14719037.2023.2231945](https://doi.org/10.1080/14719037.2023.2231945).
- [7] Demircioglu, M.A., & Vivona, R. (2021). Positioning public procurement as a procedural tool for innovation: An empirical study. *Policy and Society*, 40(3), 379-396. doi: [10.1080/14494035.2021.1955465](https://doi.org/10.1080/14494035.2021.1955465).
- [8] Directive of the European Parliament and of the Council No. 2014/24/EU "On Public Procurement and Repealing Directive 2004/18/EC". (2014, February). Retrieved from <https://is.gd/92pMIQ>.
- [9] Dresvyannikova, V., & Grigorieva, V.V. (2022). [The role of public procurement in the post-war reconstruction of Ukraine](#). In *All-Ukrainian scientific conference "Ukrainian present – 2022: Realities of war and prospects for the restoration of the country"* (pp. 148-150). Lutsk: Donetsk National Technical University.
- [10] Duong, L., Phillips, W., Roehrich, J.K., & Cook, C. (2024). Realizing NetZero in social housing: Strategic public procurement and internal stakeholder engagement. *Public Management Review*. doi: [10.1080/14719037.2024.2352546](https://doi.org/10.1080/14719037.2024.2352546).
- [11] Federal Acquisition Regulation. (2025, January). Retrieved from <https://www.acquisition.gov/browse/index/far>.
- [12] Fuentes-Bargues, J.L., Bastante-Ceca, M.J., Ferrer-Gisbert, P.S., & González-Cruz, M.C. (2021). Analysis of the situation of social public procurement of works at the Valencian Region (Spain). *Sustainability*, 13(1), article number 175. doi: [10.3390/su13010175](https://doi.org/10.3390/su13010175).
- [13] Gidigah, B.K., Agyekum, K., & Baiden, B.K. (2022). Defining social value in the public procurement process for works. *Engineering, Construction and Architectural Management*, 29(6), 2245-2267. doi: [10.1108/ECAM-10-2020-0848](https://doi.org/10.1108/ECAM-10-2020-0848).
- [14] Grandia, J., & Meehan, J. (2017). Public procurement as a policy tool: Using procurement to reach desired outcomes in society. *International Journal of Public Sector Management*, 30(4), 302-309. doi: [10.1108/ijpsm-03-2017-0066/full/html](https://doi.org/10.1108/ijpsm-03-2017-0066/full/html).

- [15] Grimbirt, S.F., Zabala-Iturriagoitia, J.M., & Valovirta, V. (2024). Transformative public procurement for innovation: Ordinary, dynamic and functional capabilities. *Public Management Review*. doi: [10.1080/14719037.2024.2326079](https://doi.org/10.1080/14719037.2024.2326079).
- [16] Hafsa, F., Darnall, N., & Bretschneider, S. (2022). [Social public purchasing: Addressing a critical void in public purchasing research](#). *Public Administration Review*, 82(5), 818-834.
- [17] Jain, P. K., Hazenberg, R., Seddon, F., & Denny, S. (2019). Social value as a mechanism for linking public administrators with society: Identifying the meaning, forms and process of social value creation. *International Journal of Public Administration*, 43(10), 876-889. doi: [10.1080/01900692.2019.1660992](https://doi.org/10.1080/01900692.2019.1660992).
- [18] Klein, N., Ramos, T.B., & Deutz, P. (2022). [Factors and strategies for circularity implementation in the public sector: An organisational change management approach for sustainability](#). *Corporate Social Responsibility and Environmental Management*, 29(3), 509-523.
- [19] Labour Code of Ukraine. (1996, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/322-08/ed19960723#Text>.
- [20] Law of Ukraine No. 808-IX "On Defense Procurement". (2020, July). Retrieved from <https://zakon.rada.gov.ua/laws/show/808-20#Text>.
- [21] Law of Ukraine No. 922-VIII "On Public Procurement". (2015, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/922-19#Text>.
- [22] Lonsdale, C., & le Mesurier, N. (2024). Learning to do good: Developing capabilities to deliver social value from public procurement within English public authorities. *International Journal of Public Sector Management*, 37(6), 729-747. doi: [10.1108/IJPSM-05-2023-0145](https://doi.org/10.1108/IJPSM-05-2023-0145).
- [23] Malolitneva, V. (2021). "Green" and socially responsible public procurement: Strengthening the state regulation and defining new international competition terms and conditions. *Entrepreneurship, Economics and Law*, 3, 99-107. doi: [10.32849/2663-5313/2021.3.16](https://doi.org/10.32849/2663-5313/2021.3.16).
- [24] Manta, O., Panait, M., Hysa, E., Rusu, E., & Cojocaru, M. (2022). [Public procurement, a tool for achieving the goals of sustainable development](#). *Amfiteatru Economic*, 24(61), 861-876.
- [25] Mebrate, Y., & Shumet, K. (2024). Assessing the impact of procurement practice on organizational performance. *Cogent Business & Management*, 11(1). doi: [10.1080/23311975.2024.2315687](https://doi.org/10.1080/23311975.2024.2315687).
- [26] Melander, L., & Arvidsson, A.P. (2020). Getting innovations out of interactions in the public procurement context. *Journal of Business & Industrial Marketing*, 35(12), 2051-2065. doi: [10.1108/JBIM-09-2019-0414](https://doi.org/10.1108/JBIM-09-2019-0414).
- [27] Olsson, D., & Öjehag-Pettersson, A. (2020). Buying a sustainable society: The case of public procurement in Sweden. *Local Environment*, 25(9), 681-696. doi: [10.1080/13549839.2020.1820471](https://doi.org/10.1080/13549839.2020.1820471).
- [28] Petrenko, Kh. (2024). *Low-quality clothing for the Armed Forces of Ukraine worth UAH 25 million: Suspicion was declared against a Kyiv entrepreneur*. Retrieved from <https://glavcom.ua/kyiv/news/nejakisnij-odjah-dlja-zsu-na-25-mln-hrn-kijivskomu-pidprijemtsju-oholosil-pidozru-982333.html>.
- [29] Police of Finland. (2022). *National Police Board signs a contract on police uniforms*. Retrieved from <https://vm.fi/en/-/25235045/national-police-board-signs-a-contract-on-police-uniforms>.
- [30] Rybalskaya, A. (2022). *He defrauded volunteers of UAH 100,000: A Kyiv resident sold non-existent military ammunition*. Retrieved from <https://suspilne.media/kyiv/314070-osukav-volonteriv-na-100-tisac-grn-kianin-prodavav-neisnuucu-vijskovu-amuniciu/>.

- [31] Selviaridis, K., Luzzini, D., & Mena, C. (2023). How strategic public procurement creates social value: Evidence from UK anchor institutions. *Public Management Review*. doi: [10.1080/14719037.2023.2277814](https://doi.org/10.1080/14719037.2023.2277814).
- [32] Semple, A. (2017). [Socially responsible public procurement \(SRPP\) under EU law and international agreements: The GPA, CETA and the EU-Ukraine Deep and comprehensive free trade area](#). *European Procurement & Public Private Partnership Law Review*, 12(3), 293-309.
- [33] State Emergency Service of Ukraine. (2022). *Recommendations for sheltering the population during an air raid alert*. Retrieved from <https://dsns.gov.ua/news/ostanni-novini/informaciya-pro-organizaciyu-ukritytya-naseleennya-pid-cas-nadzvcainix-situacii-u-fondi-zaxisnix-sporud-civilnogo-zaxistu>.
- [34] State procurement of individual uniforms (35810000-5) (Modular body armor (Type 2, Level P, Type 5, completeness: 1-5). (2023). Retrieved from <https://zakupivli.pro/gov/tenders/ua-2023-08-29-012295-a>.
- [35] State Statistics Committee. (2024). *Working conditions at enterprises*. Retrieved from <https://stat.gov.ua/uk/datasets/umovy-pratsi-na-pidpryemstvakh>.
- [36] Svitlychnyi, O.P., Artemenko, O.V., & Volkova, L.O. (2023). Some features of public procurement during martial law. *Analytical and Comparative Law*, 1, 309-316. doi: [10.24144/2788-6018.2023.01.50](https://doi.org/10.24144/2788-6018.2023.01.50).
- [37] Tender Ministry of Defense of Ukraine No. UA-2023-09-14-014201-a. (2023). Retrieved from https://prozorro.gov.ua/tender/UA-2023-09-14-014201-a?utm_source=chatgpt.com.
- [38] Tender of the Executive Committee of the Mariupol City Council No. UA-2023-12-20-024744-a. (2023). Retrieved from <https://prozorro.gov.ua/tender/UA-2023-12-20-024744-a>.
- [39] Tender of the Shyrokyivska Village Council of the Zaporizhia District of the Zaporizhia Region No. UA-2023-08-19-000250-a. (2023). Retrieved from <https://prozorro.gov.ua/tender/UA-2023-08-19-000250-a>.
- [40] Thales group. (2024). *Defence and Security*. Retrieved from <https://www.thalesgroup.com/en/markets/defence-and-security>.
- [41] The procurement agency of the Ministry of Defense has attracted 28 new Ukrainian manufacturers to supply tangible property to the Armed Forces of Ukraine. (2023). Retrieved from <https://mod.gov.ua/news/28-virobnikiv-zakupivelnna-agencziya-minoboroni-zaluchila-do-postachannya-rechovogo-majna-dlya-zsu>.
- [42] Torres-Pruñonosa, J., Plaza-Navas, M.A., Díez-Martín, F., & Beltran-Cangrós, A. (2021). The intellectual structure of social and sustainable public procurement research: A co-citation analysis. *Sustainability*, 13(2), article number 774. doi: [10.3390/su13020774](https://doi.org/10.3390/su13020774).
- [43] Troje, D., & Andersson, T. (2021). As above, not so below: Developing social procurement practices on strategic and operative levels. *Equality, Diversity and Inclusion: An International Journal*, 40(3), 242-258. doi: [10.1108/edi-03-2020-0054/full/html](https://doi.org/10.1108/edi-03-2020-0054/full/html).
- [44] Uyarra, E., Ribeiro, B., & Dale-Clough, L. (2019). Exploring the normative turn in regional innovation policy: Responsibility and the quest for public value. *European Planning Studies*, 27(12), 2359-2375. doi: [10.1080/09654313.2019.1609425](https://doi.org/10.1080/09654313.2019.1609425).
- [45] Vluggen, R., Kuijpers, R., Semeijn, J., & Gelderman, C.J. (2020). Social return on investment in the public sector. *Journal of Public Procurement*, 20(3), 235-264. doi: [10.1108/JOPP-06-2018-0023](https://doi.org/10.1108/JOPP-06-2018-0023).
- [46] Williams, O., & Andrew, T.E. (2021). Transparency and public procurement practices in the Nigerian Civil Service. *African Journal of Business Management*, 15(1), 41-48. doi: [10.5897/AJBM2020.9087](https://doi.org/10.5897/AJBM2020.9087).

- [47] Wontner, K.L., Walker, H., Harris, I., & Lynch, J. (2020). Maximising “community benefits” in public procurement: Tensions and trade-offs. *International Journal of Operations & Production Management*, 40(12), 1909-1939. [doi: 10.1108/IJOPM-05-2019-0395](https://doi.org/10.1108/IJOPM-05-2019-0395).

Питання формування соціально відповідальних публічних закупівель тактичного спорядження

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Анотація

Метою роботи було дослідження особливостей правового регулювання соціально орієнтованих публічних закупівель із фокусом на тактичне спорядження. У ході роботи здійснено комплексний аналіз чинного законодавства, виявлено ключові недоліки, зокрема відсутність механізмів для впровадження соціально відповідальних критеріїв у процесі публічних закупівель. Встановлено, що орієнтація на найнижчу ціну у тендерах ускладнює забезпечення якості продукції та соціальних стандартів праці. Дослідження також охоплювало аналіз міжнародного досвіду, включаючи законодавство Європейського Союзу, зокрема Директиви 2014/24/ЄС про публічні закупівлі, яка може бути адаптована в Україні. Результати дослідження показали, що в Україні існує ряд проблем, пов'язаних з проведенням соціально відповідальних публічних закупівель, зокрема тактичного спорядження. Процедури закупівель, зокрема, бронежилетів, вимагають суттєвих змін для підвищення ефективності та зниження корупційних ризиків. Однією з основних проблем є тривалі строки процедур, що не відповідають потребам термінових поставок для військових. У результаті, замість використання державних закупівель, багато командирів підрозділів та волонтерів звертаються до благодійних організацій або приватних постачальників, що призводить до несанкціонованих поставок і шахрайства. У дослідженні також було проаналізовано досвід США та Фінляндії щодо соціально відповідальних закупівель тактичного спорядження. У Фінляндії в рамках держзакупівель передбачено використання екологічних та соціальних критеріїв для вибору постачальників, що дозволяє забезпечити високі стандарти якості та сприяє сталому розвитку місцевого виробництва. Аналіз досвіду США показує важливість підтримки місцевих постачальників через програми, як Federal Acquisition Regulation, що заохочують малий бізнес та постачальників, і надаючи перевагу національним товарам у федеральних закупівлях. Висновки з дослідження свідчать про необхідність спрощення процедур закупівель. Це дозволить значно підвищити ефективність використання державних ресурсів, знизити корупційні ризики та забезпечити якісні поставки тактичного спорядження для потреб Збройних Сил України.

Ключові слова: військові дії; засоби індивідуального захисту; бронежилет; тендерна документація; гідні умови праці



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Development of regulatory framework for public administration in the post-war situation in Ukraine in the context of the implementation of the Paris Agreement 2015

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Abstract

The relevance of the study is due to the fact that the post-war reconstruction of Ukraine requires a developed financial, political and economic strategy. In turn, the latter should be strengthened by effective legal regulation. The aim of the article was to study of the possibility of using international cooperation enshrined in relevant treaties as one of the factors for further development of public administration in Ukraine and law as an effective factor in its post-war reconstruction. The study used formal logical, comparative legal and legal hermeneutic methods. Highlighted the need to bridge the gap between legal goals and results of public administration in the context of European integration and post-war reconstruction of Ukraine. At the same time, international treaties signed by Ukraine and domestic projects being developed in the country to regulate the public administration sector, as well as Ukraine's fulfilment of its obligations under them, play an important role. First and foremost, we are talking about those related to economic issues, namely the functioning of the energy sector, which has suffered the most from the military aggression of the Russian

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Federation against Ukraine. This task can be accomplished by expanding the areas of cooperation between Ukraine and other states, as well as by strengthening forecasting and analytical activities to overcome possible risks in this sector. This will help ensure effective legal regulation in this area. It is also necessary to clearly define the boundaries of Ukraine's international cooperation and develop an appropriate legal framework for the adoption and implementation of the necessary legislation in the economic and administrative spheres, taking into account Ukraine's national interests in post-war reconstruction. The practical significance of the study lies in the fact that it proposes steps to improve the legal regulation of public administration in the period of post-war reconstruction in the context of implementation of an important international legal agreement

Keywords: public administration; international cooperation; legal regulation; climate agreement; financial assistance; European values

Introduction

Post-war reconstruction primarily hinges on the nation's economic recovery. This can be achieved not only through implementing domestic measures aimed at improving various facets of state and societal activity, including public administration, but also by utilising external tools such as international cooperation. A crucial aspect of the latter at the present juncture is active collaboration in environmental protection and global ecological improvement. Furthermore, the impact of environmental factors on national economies, as well as on their public administration sectors, are also pressing concerns.

According to A. Khrebtova (2024), administrative law plays a crucial role in enhancing the effectiveness of regulatory oversight in public administration. The relationships that exist in society are regulated by public governance, and the aim of such directed action is, firstly, to ensure a stable state and thus improve public interests. Secondly, it is to implement public administration in such a way that society continues to function optimally and develop for the public good and state interests. The scholar emphasises that administrative law norms implement state governance. This is because they directly regulate the activities of public

administration entities and simultaneously serve as the basis for governance in all other spheres of public and state life. At the same time, the scholar notes that state governance is realised in two main forms: the adoption and execution of administrative acts. The latter are legally significant decisions or actions taken by an administrative body to resolve a specific case, and therefore have an individual character. Administrative acts are aimed at acquiring, changing, terminating, or realising the rights and/or obligations of an individual or individuals.

M. Puzko (2024) supports a different position, noting that in the sphere of regulatory oversight of public administration, the approximation of Ukrainian legislation to similar existing EU legislation is more significant than the norms of Ukrainian law. The scholar stresses that the implementation of modern European principles into Ukrainian legislation can contribute to the effective development of the state and public sectors, integrating them into the European economic, social, and political space. In this regard, a comprehensive approach to harmonising Ukrainian legislation, which takes into account pan-European standards and national peculiarities, is the most correct and balanced.

Furthermore, improving the regulatory framework for public administration is one of the main factors for economic growth and social welfare, as well as a basis for further improvement of national legislation in these areas.

Important conclusions regarding the results of international cooperation in the field of ecology and climate change are highlighted in the scientific works of W. Liu *et al.* (2019) and M. Aanesen *et al.* (2024). W. Liu *et al.* (2019), in particular, noted that during the Paris Conference, countries submitted national plans outlining the goals they planned to achieve for reducing greenhouse gas emissions or related targets, and which public administration tools they would use for this purpose. The implementation of these National Plans will have a number of environmental and economic consequences for participants over the coming decades.

N. Goncharuk and A. Cherednychenko (2022), in their scientific work, emphasise the importance of European values and principles in Ukraine's public administration. The researcher stresses that the orientation towards these values plays a key role in the development of modern Ukrainian society. This is due to the need to form a society where the rights and freedoms of individuals and citizens are a priority, which is characteristic of democratic, legal, and human-centred countries of the European Union. At the same time, the author focuses on the importance of taking into account current trends in the development of public administration in EU countries, especially in the context of Ukraine's post-war reconstruction.

The text addresses the urgent need for state organisations to promote a positive value transformation of society, otherwise situational values will prevail over strategic ones. It is also important to consider the gradual nature of the life cycle of social transformations, due to the unequal sensitivity of different age groups to them. Among the key trends, one can note the negative impact of

individualisation on processes regulated by public administration. Despite this, in most non-EU countries, there is an evolutionary change in value orientations, which are gradually approaching European standards. I. Kryvoruchko (2023) holds a similar position, emphasising that the formation of Ukraine's administrative system should begin with the creation of an effective institutional environment. This environment should be oriented towards laying a new value vector for society as a whole, as well as for each individual.

However, as A. Tymokha (2024) notes, at the current stage it is difficult to implement an effective public administration system, as there is a discrepancy between Ukraine's current legislative framework and the challenges of wartime, particularly in the sphere of coordinating the actions of various levels of government, financial support, prioritising infrastructure restoration, and public engagement. The scholar stresses that there are gaps and conflicts in the legislative framework that hinder effective state governance in Ukraine.

The aim of the study was to examine the possibility of using international cooperation instruments on the example of the Paris Agreement (2015) as one of the factors for further development of public administration in Ukraine and its legal regulation as an effective factor in its post-war reconstruction. The objectives of the study were:

- to analyse legislation in the field of public administration as an important factor in the post-war reconstruction of Ukraine;
- to determine the impact of the Paris Agreement (2015) on the economies of the participating states on the basis of statistics and analytical reports of the analysed countries;
- identify problems and challenges facing public administration in Ukraine in the context of fulfilling the Agreement's obligations, including environmental safety, energy efficiency and climate change adaptation.

Materials and Methods

To achieve the goals and objectives of the study, the following regulatory and legal acts were analysed: the Paris Agreement (2015), the Constitution of Ukraine (1996) and Law of Ukraine No. 555-IV “On Alternative Energy Sources” (2003), Law of Ukraine No. 1391-XIV “On Alternative Types of Fuel” (2000), Law of Ukraine No. 2019-VIII “On the Electricity Market” (2017), Law of Ukraine No. 1264-XII “On Environmental Protection” (1991), the National Action Plan for Environmental Protection for the period up to 2025 (Order of the Cabinet of Ministers of Ukraine No. 443-p, 2021), Order of the Cabinet of Ministers of Ukraine No. 880-p (2007) and others. The analysis of the above-mentioned regulatory and legal acts was carried out in order to determine whether the current legal regulation of environmental relations in Ukraine is sufficient from the perspective of its transition to renewable energy in terms of ratification of the Paris Agreement (2015), as well as in which areas environmental legislation in Ukraine could be improved in the future.

The following methods were used in the study: formal-logical, comparative-legal and legal hermeneutics. The use of the formal-logical method in the study of the Agreement in terms of its impact on the sphere of public administration and the study of this normative-legal act as a consensus of the international community on the transition to low-carbon development made it possible to analyse the provisions of the Agreement and a number of existing normative-legal acts of Ukraine regulating the sphere of ecology. Environmental legislation in the field of public administration was analysed as an important factor in the post-war reconstruction of Ukraine, ensuring the proper legal regulation of a necessary element of national security – the environmental security of Ukraine. The use of the method of legal hermeneutics in the study was due to the need to take into account, when regulating environmental

relations, the complex nature of the interaction between humans and the natural environment, the historical preconditions that influenced it, and the trends that shape their influence on each other in modern conditions.

Using the comparative legal method, the impact of the Agreement on countries with developed economies that have a long history of successful development of alternative energy and countries that are developing and are only beginning to use the possibilities of renewable energy was compared. The use of the comparative legal method made it possible to compare the impact on the economies of the countries participating in the Agreement.

Results

The modern world is characterised by global political and social crises, such as the Covid-19 pandemic and military conflicts. The latter are ongoing in Ukraine and many other countries around the world and are causing negative social changes. Some of these are directly related to processes in the global economy and the economies of individual countries. Thus, numerous global crises, including the pandemic, climate change and the war between Russia and Ukraine, are interrelated in terms of their significant scale and destructive effects, but the reasons for this connection remain insufficiently researched (Lawrence *et al.*, 2024). In addition, the above-mentioned negative phenomena are accompanied by the need for countries to respond to the challenges of globalisation, which has not only a positive impact on economic processes and the sphere of public administration in countries around the world. In this regard, legal regulation plays an important role, serving as a stabiliser and guarantor for the latter, as well as a protective mechanism for the rights and interests of economic actors.

In addition, politicians around the world have embraced the universality offered by such regulation; they are actively experimenting with

innovative regulatory interventions and turning to civil society and the private sector to support them in developing and actively implementing new tools in the field of public administration (van der Heijden, 2021). The field of public administration, in turn, involves the coordinated use of private and public law instruments to achieve a correlation between legal regulation and economic activity. First and foremost, the role of an effective regulatory framework is to promote economic growth and development (Karkalakos, 2024). Such a relationship can contribute to Ukraine's rapid recovery and further financial prosperity. An example of this is the adoption of Law of Ukraine No. 2982-IX (2023). It created a favourable environment for small and medium-sized businesses by reducing the financial and time costs for entrepreneurs who needed to obtain a licence to act as intermediaries in employment abroad. The law abolished this instrument of public administration, which is no longer effective in today's market conditions.

Social relations in the sphere of interaction between society and nature are regulated by normative acts of various legal force – the constitution, laws, government subordinate and departmental normative acts, as well as acts of local authorities. The main sources of environmental law in Ukraine are the Constitution of Ukraine (1996) and Law of Ukraine No. 1264-XII (1991). In addition, the Cabinet of Ministers of Ukraine approved the National Action Plan for Environmental Protection for the period up to 2025 (Order of the Cabinet of Ministers of Ukraine No. 443-p, 2021). The peculiarity of this document is that it became the first document of this level that was planned, created and approved in accordance with all European environmental standards, as well as the Concept of the National Environmental Policy of Ukraine for the period until 2020 (Order of the Cabinet of Ministers of Ukraine No. 880-p, 2007). The goal of the national environmental policy is

to stabilise and improve the state of Ukraine's environment by integrating environmental policy into its socio-economic development to ensure an ecologically safe environment for the life and health of the population, the implementation of an ecologically balanced system of nature use and the preservation of natural ecosystems. The normative legal act defining Ukraine's national environmental policy is Law of Ukraine No. 2697-VIII (2019). According to the provisions of this law, the priority principles of Ukraine's national environmental policy are as follows:

1) strengthening the role of environmental management in Ukraine's public administration system in order to achieve equality between the three components of development (economic, environmental and social), which determines the focus on sustainable development priorities;

2) taking into account environmental impacts when making management decisions, developing documents containing political and/or programmatic principles of state, sectoral, regional and local development;

3) cross-sectoral partnership and stakeholder engagement;

4) prevention of natural and man-made emergencies, which involves the analysis and forecasting of environmental risks based on the results of strategic environmental assessment, state environmental expertise, and state monitoring of the natural environment;

5) ensuring environmental safety and maintaining environmental balance in Ukraine; overcoming the consequences of the Chernobyl disaster;

6) the responsibility of the current generation to preserve the environment for the benefit of future generations;

7) the participation of the public and economic entities in the formation and implementation of environmental policy, as well as the consideration of their proposals in improving environmental legislation;

8) the inevitability of liability for violations of environmental legislation;

9) the priority of the requirement that “polluters and users of natural resources pay the full price”;

10) the responsibility of executive authorities for the accessibility, timeliness and accuracy of environmental information;

11) the accessibility, accuracy and timeliness of environmental information;

12) state support and incentives for domestic economic entities that modernise their production with a view to reducing their negative impact on the environment.

In turn, it can be concluded that the Concept of National Environmental Policy of Ukraine for the Period until 2020 (Order of the Cabinet of Ministers of Ukraine No. 880-p, 2007), which updates many provisions of state environmental policy, has undergone a certain reorientation towards market and public mechanisms of environmental activity (compared to previous regulatory and legal acts in the field of ecology), provides that the national environmental policy of Ukraine is aimed at achieving the following strategic goals: (1) raising public environmental awareness; (2) improving the environmental situation and increasing the level of environmental safety; (3) achieving a state of the natural environment that is safe for human health; (4) integrating environmental policy and improving the integrated environmental management system; (5) halting the loss of biological and landscape diversity and forming an environmental network; (6) ensuring environmentally balanced nature use; (7) improving regional environmental policy.

To achieve these goals, the Cabinet of Ministers of Ukraine approved the National Action Plan for Environmental Protection for the period up to 2025 (Order of the Cabinet of Ministers of Ukraine No. 443-p, 2021). Regulatory control is an ideal social phenomenon, although it is essentially a systematic set of rules of conduct that makes it possible to regulate relations in society and create

conditions for meeting the needs of all its members (Kostruba, 2020). The economic sphere of society is one of the most important, given how the mechanism of regulatory control has effective means of influencing all members of society. The various stages of Russia's armed aggression against Ukraine have caused uneven changes in its public administration. The latest have been large-scale transformations in this area, linked to the need to update legal regulation to adequately address the challenges of the imposed martial law (Prymak, 2023). In the period of post-war reconstruction of Ukraine, the state of its economy will depend on a number of factors, in particular, on effective legal regulation of social relations. The mechanism of the Agreement as a whole reflects a kind of compromise between its participating countries on climate change issues. This is a reconciliation of the interests of the participating states between the real and desired models of forming global, coordinated and fair activities in the environmental field to prevent and eliminate the negative consequences of climate change.

The post-war system of administrative regulation in Ukraine should provide for coordinated cooperation in various areas of interaction between business and the state. Despite the complexity and controversy of reconciling public and private interests, the vector of such interaction should be noted as a source of legal influence on public administration. The Paris Agreement (2015) demonstrated a new approach to international cooperation, as it is structured hierarchically, combining the preservation of the national interests of its participating states. The hierarchical principle applied in this international regulatory act can be used in the development of strategies in the field of public administration in Ukraine in the field of ecology. Firstly, the main financial risks in the energy sector concern fuel producers, so the efficiency of fuel use will inevitably increase and fuel consumption to meet

previous needs will decrease, which will curb demand growth. The second reason is that the conditions of competition between economic agents using different types of fuel will change. Thus, the leading positions will be occupied by those participants who use cleaner types of fuel – renewable sources, partly nuclear energy, and to a lesser extent natural gas. The above requires new approaches and strategies in the field of public administration in terms of the Agreement. In addition, it should be noted that for Ukraine, the primary importance of ratifying the Agreement lies in expanding opportunities for the development of the renewable energy sector.

At the current stage, issues of environmental, economic and social development are as important as the existence of humanity as a whole. The formation of an eco-centric worldview, as well as strategies for the further development of modern society, are impossible without a profound rethinking of the nature of the interaction between society and nature. The signing of the Paris Agreement. (2015) demonstrates the search for optimal ways to solve humanity's environmental problems and its transition to sustainable development, which requires legal regulation of various aspects of society's environmental sphere. Modern regulation of relations in the field of environmental protection is focused on solving the tasks of ensuring the reduction of negative anthropogenic impacts and forming guarantees for the realisation of human rights to a safe environment. The role of international cooperation in the environmental sphere is growing on the basis of international legal principles and norms governing relations between subjects of international law regarding environmental protection, rational use of natural resources, ensuring environmental safety and observance of environmental human rights. The issue of legal regulation in this area at the national level also requires special attention. The main reason for this is that countries

want to protect their markets and national producers from competitors who don't have to deal with "greenhouse" costs, expand foreign markets for low-carbon technologies, and put pressure on countries that don't control greenhouse gas emissions, which cancels out the global effect.

The previous Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997) was marked by the problem of the principle of common, rather than differentiated, responsibility. It provided that responsibility for reducing emissions rested with developed countries and countries with economies in transition, without any obligations for developing countries (India and China). In turn, this shortcoming was eliminated in the Agreement. The goals of the Agreement on collective management of climate change can only be achieved if all parties to the Kyoto Protocol (1997) commit to paying nationally determined contributions. The Paris Agreement (2015) was concluded in a hybrid form: it is legally binding, i.e. it requires ratification by the participating countries, but does not contain any specific references that could complicate this process in any way. In addition, the agreed amount of international "climate" assistance is not specified in the Agreement, but is determined by the decisions of the Paris Conference. The Agreement should become a new stage in the development of renewable energy for Ukraine and other countries, in which the national economy will be oriented towards a low-carbon model of further development. At the same time, it is important for the countries participating in the Agreement to adhere to their stated commitments to reduce greenhouse gas emissions, because in the future, all countries of the world must achieve a zero balance between emissions and their absorption.

In the field of environmental protection, specific social relations are formed that are qualitatively different from other areas of social development. They themselves are a special object of regulatory

control, the legal status of which differs from the similar status of man-made objects and is characterised by a special legal regime as an object of property rights, use and protection. This implies that the legal regulation of social relations arising in the sphere of interaction between society and nature should be primarily aimed at ensuring public interests. Paris Agreement (2015) created a new management model, namely: if the new climate regime can be characterised as polycentric, in which international institutions transfer the dominant role to other lower-level participants:

states, subnational units (regions, municipalities), companies, non-governmental organisations. It is also worth noting that the Agreement is likely to be relevant directly in disputes over its application or interpretation, or indirectly in informing the interpretation of other international agreements, such as the European Convention on Human Rights (1950) or the United Nations Convention on the Law of the Sea (1982). Based on the above, the strengths and weaknesses of the Agreement for the field of public administration can be identified (Table 1).

Table 1. Strengths and weaknesses of the Paris Agreement for public administration

Strengths of the 2015 Paris Agreement	Weaknesses of the 2015 Paris Agreement
The Paris Agreement, more than previous international agreements in the field of environmental protection, meets the current political and economic realities.	The main goal of the Paris Agreement is to limit the rise in global temperatures to no more than 2 °C (preferably 1.5 °C). According to the WMO report, (the World Meteorological Organisation) projected that the global average near-surface temperature for each year between 2024 and 2028 will be 1.1 °C to 1.9 °C above the 1850–1900 baseline.
The Paris Agreement does not divide countries into those with climate obligations and those exempt from them, but applies equally to all states.	The voluntariness of the nationally determined contributions to the achievement of the Paris Agreement goals does not contribute to the effectiveness of the measures taken. According to the international platform Climate Action Tracker, the national contributions of any of the parties to the agreement are not in line with the Paris Agreement's goals, and the contributions of the major emitters, collectively responsible for 60% of emissions, are assessed as insufficient in the case of the United States, and extremely insufficient in the case of India and China.
In accordance with the Paris Agreement's implementation mechanism, all states parties to the Paris Agreement must formulate their own emissions reduction commitments to jointly achieve the common goal of limiting global temperature rise to 1.5-2°C.	Flexibility in building their own climate action plans, as permitted by the Paris Agreement, in accordance with nationally determined targets, allowing a number of countries (including China, Canada, Brazil) to continue to increase emissions relative to current levels.
Plans for the implementation of voluntary commitments of the Paris Agreement states parties are subject to review and revision once every 5 years, taking into account the potential of each state to solve the collective problem.	The Paris Agreement does not provide for a system of accounting for the historical responsibility of countries for previously produced greenhouse gases. Developing countries started the process of industrialisation later than developed countries, which have been emitting harmful substances into the atmosphere for more than a century.
The Paris Agreement pays particular attention to creating mechanisms for absorbing CO ₂ without causing damage. This means achieving a balance between anthropogenic emissions and the potential of natural objects to absorb them completely, which can be achieved, for example, by increasing the area of forest cover.	The goal of the 2015 Paris Agreement is to provide developed countries with USD 100 billion annually to help developing countries combat climate change and adapt to its effects. At the same time, there is no clear list of donor and recipient countries, nor are there quotas for the distribution of funding between countries, which in most cases is perceived as a cost.
The Paris Agreement recognises the irreversibility of climate change, so its provisions include not only curbing the rise in global temperatures but also developing measures to adapt to climate-related problems that are inevitable for the traditional way of life.	

Source: developed by the author based on analysis Global temperature is likely to exceed 1.5°C above pre-industrial level temporarily in next 5 years (2024), Climate Action Tracker (2025) and K.A. Mulatu *et al.* (2023)

Environmental lawmaking by public administration bodies in Ukraine is a process provided for by the Constitution of Ukraine for the development and adoption of legal norms that regulate social relations in the sphere of interaction between society and nature with the aim of creating an effective legal mechanism for regional environmental protection and rational use of natural resources, taking into account the geographical, natural and socio-economic characteristics of a particular region, ensuring equal rights for everyone to a favourable environment and access to natural resources. The specificity of environmental law-making by Ukrainian entities is determined by both the peculiarities of regional environmental problems and the specifics of the period of post-war reconstruction, as well as the constitutional obligation to resolve them at the regional and interregional levels. The current regulatory and legal acts of Ukraine, which define the main directions of environmental policy, are largely outdated and do not adequately promote or take into account the role of alternative energy in Ukraine as one of the main elements of its security, including economic security, the current environmental situation in the world, the provisions of EU legislation, as well as the transformations taking place in the system of environmental protection authorities.

One way to solve the above-mentioned problems in the field of public administration, which are weaknesses of the Agreement, is as follows. The flexibility of the regulatory framework allows regulators to adapt to various social challenges. In the context of Ukraine's post-war reconstruction in this area, it seems appropriate to identify three groups of national and international projects and other programme documents for its recovery in the specified area, namely: human capital, a comfortable living environment and economic growth. Given the trend towards globalisation, the rule of law can be considered both an internal characteristic

of the legal system and a transnational category. Accordingly, it is also advisable to use the idea of developing a strategy for social, economic and political reforms at the macro level, which can be applied to the revision of the relevant legal framework of Ukraine in accordance with European standards and values to ensure the full protection of human and civil rights in the field of ecology. At the same time, it should be noted that the legal regulation of economic relations also involves the interaction of national and international law. This is particularly evident in the conclusion of international regulatory acts by states, since the application of the former requires consistency with the provisions of national legislation.

Improvements to the regulatory framework for public administration in Ukraine in the post-war period in the context of the Agreement should be made in three main areas, namely the selection of objectives and optimal solutions for achieving them, flexible legal support, and the identification and elimination of legal risks. The most important goal is the rapid economic recovery of Ukraine in the post-war period in order to maximise the satisfaction of society's needs and ensure a decent standard of living for its members. The optimal solution for the further economic development of Ukraine is to adopt decisions in the field of public administration that would respond to the challenges and realities of a country in the process of recovery after the end of armed conflict on its territory, while ensuring their compliance with European standards in the field of law and the values of the European community itself. At the same time, it is advisable to use the tools of international cooperation and expand its areas of focus.

The stability of natural resource use and civil law protection of natural resource and other rights of citizens in Ukraine, as well as property security for the interested fulfilment of their environmental protection obligations for the benefit of society as a whole, are pressing issues for

contemporary environmental law. At the same time, the state does not abandon administrative means of organising natural resource use, and in a number of cases even strengthens their application to protect natural resources and the environment. The further development of economic, political, moral and social life will demonstrate the need for the continued application and preference of one or another method of stimulating proper relations in the environmental sphere of society and overcoming its existing shortcomings. The lack of effective forms, methods, models, mechanisms and instruments for financial and economic stimulation of the natural resource sector in Ukraine can cause great damage to the environment, in some cases even irreparable (climate change due to the “greenhouse” effect, natural disasters that will lead to the destruction of biodiversity: extinction (destruction) of animal and plant species, etc.) (Shubalyi *et al.*, 2019).

Ukraine’s entry into the global civilisational process necessitated a change in economic practices and emphasised the need to preserve the natural environment. From the first years of independence, acute issues arose regarding overcoming the mismatch in the pace of economic development and the tightening of environmental safety requirements, the dominance of resource-intensive industries, the high share of resource- and energy-intensive technologies, and the raw material orientation of exports. This led to a deterioration in the quality of the environment and a weakening of the ability of ecosystems to restore the natural foundations of life support, deepened the economic crisis, and created real threats to human life, as well as biological and landscape diversity. Threats to human health from global environmental change are increasing in the Anthropocene era, and urgent action is needed to address these pressing challenges (Tong *et al.*, 2022). Ukraine and humanity as a whole are faced with the question of improving the criteria for balanced (sustainable)

development that would take into account all factors contributing to well-being, while minimising the impact on the environment and mitigating the ecological consequences. The implementation of the transition to the principles of sustainable development requires the formation of appropriate moral and value guidelines, the greening and ethicalisation of the economy (the “green economy” and environmentally and socially responsible business), public-private partnerships, and the activation of civil society.

Discussion

The findings of the study align with the conclusions drawn in N. Honcharuk’s academic work, which posits that updating current legislation is paramount for the effective functioning of public administration. In line with this, the modernisation of wartime and post-war governance necessitates, first and foremost, the development of a Strategy for Administrative Reform in Ukraine for the period 2022-2025, along with numerous other regulatory legal acts in the sphere of public administration. It is also crucial to formulate a concept for shaping the value system of Ukrainian society amidst its transformation and Europeanisation, and its integration into the European administrative space (Goncharuk & Cherednychenko, 2022). A similar stance is found in the academic work of I. Kryvoruchko (2023), who notes that particular attention in this process should be paid to ensuring social welfare, resolving pressing socio-economic issues, and guaranteeing and improving the quality of life for the populace, especially during wartime and the subsequent period of post-war reconstruction.

Effective regulatory legal frameworks and the harmonisation of national and international norms pertaining to public administration simultaneously ensure efficiency and foster development in the economic sphere. L. Meuleman (2021) underscores the importance

of effective regulatory governance in their work. The scholar observes that well-functioning public administration and effective governance structures can overcome negative social, economic, or political phenomena. Effective public administration is a prerequisite for a suitable response to regional or global crises.

Crucially, the update of Ukrainian legislation in the sphere of public administration during the post-war period must align with European standards and values within the context of Ukraine's Euro-integration course and its entry into the political, social, economic, and legal space of the European community. J. Laux *et al.* (2023) also emphasise their importance in their academic work, noting that the European Union aims to develop harmonised standards that incorporate abstract regulatory concepts such as transparency, fairness, and accountability. Applying such concepts inevitably requires answers to tough legal questions. The scholar points to two possible paths for future standardisation under the AIA. Firstly, European standard-setting organisations (SSOs) could answer complex regulatory questions themselves. Secondly, instead of making their own regulatory judgments, SSOs could track regulatory consensus that they deem accessible. Thus, it can be concluded that international cooperation in political, social, or economic spheres should be well-thought-out and consider the implications of ratifying supporting regulatory legal acts for the economies of participating countries and their individual sectors. For instance, the Paris Agreement (2015) envisages an impact on energy, transport, and agriculture, with the coal mining industry and related sectors becoming particularly vulnerable.

For Ukraine, where the aforementioned economic sectors are vital, understanding the consequences of signing the Agreement is essential, as is factoring in such legal risks when creating new and updating existing instruments in the field of

public administration. The conclusions formulated by B. Shevchuk (2023) in their academic work also coincide with the results of the conducted study. The scholar states that in the post-war period, Ukraine's national interests should be paramount, while also considering international obligations. Therefore, the challenge of ensuring optimal and effective regional organisation of productive forces in the post-war period lies in identifying the economic competitive advantages of Ukraine's diverse regions and overcoming interregional differentiation, as well as the current practice of dividing regions into donors and recipients. Moreover, local economies should be reoriented from resource-intensive to knowledge-intensive. Economic regional development should involve building ecosystems, not destruction, and social cohesion, not fragmentation. Such a comprehensive approach, taking into account regional interests, their economic development specifics, and an individual approach to solving their problems, is precisely what the paradigm of sustainable development entails.

The provisions of the Agreement are of significant importance for Ukraine during its post-war reconstruction period and for other participating countries, as it is closely linked to resolving economic issues and making crucial decisions in the field of public administration. K.H. Woo and S.L. Khoo (2020) support a similar position formulated in the study, noting that environmental factors have a tremendous impact on the administrative mechanism. The scholar emphasises that studying the ecology of public administration is a useful way to understand the political process and the values that public organisations/officials assign to a programme within their jurisdiction. Change is a key concern of the ecological approach, as it significantly impacts the balance of power, decision-making, and resource allocation. S. Black (2023) supports a similar position in their academic work, noting that a significant increase

in mitigation investment is needed, requiring policies aimed at changing private sector incentives. Climate finance must be expanded, with a new target aligned with the needs of developing countries. A similar statement is also found in the conducted study. Primarily, it suggests that both public administration instruments in individual countries and mechanisms for international cooperation in all spheres of state and citizen life entail the harmonisation of economic interests of individuals and the state, taking into account the principles of the global economy's functioning.

Indeed, countries that have not ratified the Paris Agreement will face difficulties in accessing markets in developed countries or a reduced likelihood of receiving funding or assistance from international banks or other organisations. Furthermore, the most challenging situation regarding environmental challenges remains for the coal industry. The share of coal in the global energy balance will continue to decline at an accelerating rate, and some developed countries have already phased out coal use. This, in turn, leads to the withdrawal of investments from the coal industry by large companies, investment funds, international financial institutions, and export credit agencies. A similar position, formulated in the study, is found in the academic work of M. Larch and J. Wanner (2024). The scholar notes that international cooperation is the cornerstone of multilateral climate policy. If one models the consequences of unilateral withdrawal from the Paris Agreement, considering both direct and leakage effects, then US non-participation would eliminate over a third of global emission reductions (31.8% direct effect and 6.4% leakage effect), while potential Chinese non-participation would reduce global emission reductions by 24.1% (11.9% direct impact and 12.2% leakage effect). Significant leakage is primarily due to the technical effect caused by falling international fossil fuel prices. From a welfare perspective, the vast majority of

countries benefit from the implementation of the Paris Agreement, and most countries would lose many economic and political advantages in the event of a unilateral decision not to participate.

Such challenges can be overcome, in particular, through adapting Ukrainian legislation regulating public administration to adopted European legal standards and pan-European values, establishing specialised public administration bodies in Ukraine, implementing various electronic forms of these systems, and attracting international assistance for the implementation of the aforementioned changes. These study conclusions align with the position of A. Tymokha (2024), who notes that the improvement of regulatory support and public administration mechanisms in various economic sectors and spheres of Ukraine's economy should be aimed at increasing their efficiency, transparency, and adaptability to modern challenges. The latter is relevant both due to the consequences of Russia's military aggression against Ukraine and the necessity of its post-war reconstruction. A distinctive feature of the Paris Agreement is a specific system of management decisions that Ukraine can utilise in its social and economic reconstruction process. I. Kryvoruchko (2023) supports this viewpoint in their academic work, emphasising that public administration policy must be clearly planned from the management perspective of relevant state bodies. Specifically, it should include the implementation of the following stages: monitoring and analysing the effectiveness of the economy's functioning in the context of modern globalisation processes and wartime uncertainty; developing and justifying the goals and main objectives of the state's socio-economic development; and forming an effective and efficient public administration system mechanism.

In response to the worsening global climate change, achieving carbon neutrality by 2050 is the most pressing task on the planet. To this end, reforming existing production systems and their

standards to reduce greenhouse gas emissions and promote CO₂ capture from the atmosphere is an extremely important and serious challenge (Wang *et al.*, 2021; Voroniuk, 2024). Concurrently, one cannot agree with the position of L. Rajamani (2024), who states that the Agreement, which primarily contains procedural and behavioural obligations and is based on national determination, in itself appears radically insufficient to address the existential climate crisis facing the planet. However, the contributions envisaged by the Agreement entail corresponding strategies of its participating states, developed at national levels and only partially related to combating climate change. In most cases, they are aimed at reducing energy dependence, curbing local pollution, and creating new jobs – the main motives differ from the political, social, economic, and political situation in a particular country. Moreover, national strategies are supplemented by numerous voluntary mechanisms at the city, industry, or stock exchange levels. Also, in the context of Ukraine's post-war reconstruction, it seems expedient to develop and implement a methodology for forecasting and overcoming risks in the process of law-making and law enforcement within regulatory legal complexes and national and international projects, and other programmatic documents for its recovery.

The conducted study proposes to develop and approve a new Environmental Doctrine of Ukraine or Key Directions of Ukraine's Environmental Policy that take into account both changes in the public administration system and the requirements of the international community for the collective resolution of global environmental problems. Furthermore, the goals of Ukraine's state environmental policy in the long term for its post-war reconstruction should be formalised in a relevant programme and envisage: 1) ensuring the stability and maintaining a sustainable equilibrium of ecological systems; 2) forming an environmentally-oriented economy

characterised by minimal negative impact on the environment, low resource intensity, and high energy efficiency; 3) creating a favourable ecological situation as a factor in improving the human environment. Among the most important tasks of state environmental policy in such a programme, the following should be noted: effective counteraction to the threats of environmental degradation associated with increasing production waste, implementation of measures aimed at rehabilitating territories in a critical environmental state (primarily those affected by Russia's armed aggression against Ukraine), and also creating economic instruments and mechanisms for eliminating and compensating for environmental damage.

Conclusions

National and international projects and other programme documents on Ukraine's post-war recovery must be coordinated with each other. Failure to comply with this principle may result in the objectives and tasks set out in them overlapping. This will lead to repeated and erroneous actions in the field of public administration. Flexible legal support for national and international projects and other policy documents on Ukraine's post-war recovery requires a clear division of structures and their bodies, their participants, as well as their competences and powers, grounds and types of responsibility of participants for the period of their validity. Law-making and law enforcement activities are inevitably associated with deviations from the intended goals, errors, changes and modifications to regulatory and legal acts. The study, identification and prevention of risks is an important practical and theoretical task that must be addressed in the legal sphere. This makes it possible to create accurate and effective forecasts, programmes, concepts and strategies, to develop draft laws and subordinate acts, and to issue working orders and directives. This approach is considered to be the most effective

when amending Ukrainian legislation regulating the sphere of environmental protection and alternative energy in accordance with the provisions of the 2025 Paris Agreement.

The list of legislative causes of Ukraine's environmental problems indicates the following: firstly, the problem of sustainable development of the country is more social and economic than environmental, if considered in terms of the global "society-nature" system; secondly, there is a need to create legal requirements for all types of anthropogenic activity in accordance with the laws of nature and the restrictions that follow from these laws. To solve socio-economic problems while complying with environmental requirements, it is necessary to do more than simply adjust economic, civil and other areas of legislation in accordance with European and global standards, whose legal norms directly or indirectly regulate social relations in the field of socio-ecological-economic interaction. It is necessary to create complex legal mechanisms that allow economic entities to be economically interested in introducing low-waste, energy- and resource-saving production into various types of their activities as one of the ways to reduce the technogenic load on the ecosystems of the country's natural territories. Thus, the strategic goal on the path to sustainable development in Ukraine is to improve the standard of living and quality of life based on scientific and technological progress, dynamic economic and social development, while preserving the natural

development potential of the country as part of the Earth's biosphere, as well as its technological potential for the benefit of future generations.

Achieving the strategic goal and transitioning the country to sustainable development requires appropriate changes and amendments to the current legislation of Ukraine. To this end, legal theorists and practitioners need to critically review the established classical legal institutions of civil, commercial, administrative, criminal and other branches of law, taking into account modern knowledge in the field of ecology and the economics of natural resource use, as well as the provisions of national and international environmental legislation. At the modern stage in Ukraine, social relations in the environmental sphere are regulated by a sufficient number of normative acts of various legal force, in connection with which the main problem of legal regulation in the specified sphere lies not only in the transition from theory to lawmaking, but also in the effectiveness of law enforcement, as well as further international harmonisation and improvement of national environmental legislation.

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Conflict of Interest

None.

References

- [1] Aanesen, M., Ahi, J.C., Abate, T.G., Khan, F.R., de Vries, F.P., Kite-Powell, H., & Beaumont, N.J. (2024). Insights from international environmental legislation and protocols for the global plastic treaty. *Scientific Reports*, 14(1), article number 2750. doi: [10.1038/s41598-024-53099-9](https://doi.org/10.1038/s41598-024-53099-9).
- [2] Black, S. (2023). Is the Paris Agreement working? A stocktake of global climate mitigation. *Staff Climate Notes*, 2. doi: [10.5089/9798400257889.066](https://doi.org/10.5089/9798400257889.066).
- [3] Climate Action Tracker. (2025). Retrieved from <https://climateactiontracker.org/>.
- [4] Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254k/96-bp#Text>.

- [5] European Convention on Human Rights. (1950, November). Retrieved from https://zakon.rada.gov.ua/laws/show/995_004#Text.
- [6] Global temperature is likely to exceed 1.5°C above pre-industrial level temporarily in next 5 years. (2024). Retrieved from <https://is.gd/ocIK76>.
- [7] Goncharuk, N., & Cherednychenko, A. (2022). Modernization of public administration in Ukraine during the war and in the post-war period in the context of European values. *Public Administration Aspects*, 10(6), 46-54. doi: [10.15421/152243](https://doi.org/10.15421/152243).
- [8] Karkalakos, S. (2024). The economic consequences of legal framework. *Statute Law Review*, 45(2), article number hmae024. doi: [10.1093/slr/hmae024](https://doi.org/10.1093/slr/hmae024).
- [9] Khrebtova, A. (2024). The norms of administrative law as a form of implementation of public administration. *Analytical and Comparative Jurisprudence*, 5, 647-651. doi: [10.24144/2788-6018.2024.05.100](https://doi.org/10.24144/2788-6018.2024.05.100).
- [10] Kostruba, A. (2020). Components of the normative element in the mechanism of legal regulation of civil relations. *Almanac of Law*, 11(11), 47-52. doi: [10.33663/2524-017x-2020-11-8](https://doi.org/10.33663/2524-017x-2020-11-8).
- [11] Kryvoruchko, I. (2023). Public administration in the conditions of war: Challenges and prospects. *Theory and Practice of Public Administration*, 2(77), 38-53. doi: [10.26565/1727-6667-2023-2-03](https://doi.org/10.26565/1727-6667-2023-2-03).
- [12] Kyoto Protocol to the United Nations Framework Convention on Climate Change. (1997, December). Retrieved from https://zakon.rada.gov.ua/laws/show/995_801#Text.
- [13] Larch, M., & Wanner, J. (2024). The consequences of non-participation in the Paris Agreement. *European Economic Review*, 163, article number 104699. doi: [10.1016/j.euroecorev.2024.104699](https://doi.org/10.1016/j.euroecorev.2024.104699).
- [14] Laux, J., Wachter, S., & Mittelstadt, B. (2023). Three pathways for standardisation and ethical disclosure by default under the European Union Artificial Intelligence Act. *Forthcoming in Computer Law & Security Review*. doi: [10.2139/ssrn.4365079](https://doi.org/10.2139/ssrn.4365079).
- [15] Law of Ukraine No. 1264-XII "On Environmental Protection". (1991, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/1264-12#Text>.
- [16] Law of Ukraine No. 1391-XIV "On Alternative Types of Fuel". (2000, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/1391-14#Text>.
- [17] Law of Ukraine No. 2019-VIII "On the Electricity Market". (2017, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2019-19#Text>.
- [18] Law of Ukraine No. 2697-VIII "On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period until 2030". (2019, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/2697-19#Text>.
- [19] Law of Ukraine No. 2982-IX "On Amendments to Certain Legislative Acts of Ukraine on the Protection of the Rights of Labor Migrants and Combating Fraud in Employment Abroad". (2023, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/2982-20#Text>.
- [20] Law of Ukraine No. 555-IV "On Alternative Energy Sources". (2003, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/555-15#Text>.
- [21] Lawrence, M., Homer-Dixon, T., Janzwood, S., Rockstöm, J., Renn, O., & Donges, J.F. (2024). Global polycrisis: The causal mechanisms of crisis entanglement. *Global Sustainability*, 7, article number e6. doi: [10.1017/sus.2024.1](https://doi.org/10.1017/sus.2024.1).
- [22] Liu, W., McKibbin, W.J., Morris, A.C., & Wilcoxon, P.J. (2019). Global economic and environmental outcomes of the Paris Agreement. *CAMA Working Paper*, 4. doi: [10.2139/ssrn.3317263](https://doi.org/10.2139/ssrn.3317263).

- [23] Meuleman, L. (2021). Public administration and governance for the SDGs: Navigating between change and stability. *Sustainability*, 13(11), article number 5914. doi: [10.3390/su13115914](https://doi.org/10.3390/su13115914).
- [24] Mulatu, K.A., Nyawira, S.S., Herold, M., Carter, S., & Verchot, L. (2023). Nationally determined contributions to the 2015 Paris Agreement goals: Transparency in communications from developing country parties. *Climate Policy*, 24(2), 211-227. doi: [10.1080/14693062.2023.2285519](https://doi.org/10.1080/14693062.2023.2285519).
- [25] Order of the Cabinet of Ministers of Ukraine No. 443-p "On Approval of the National Environmental Action Plan for the Period until 2025". (2021, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/443-2021-p#Text>.
- [26] Order of the Cabinet of Ministers of Ukraine No. 880-p "On Approval of the Concept of the National Environmental Policy of Ukraine for the Period until 2020". (2007, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/880-2007-p#Text>.
- [27] Paris Agreement. (2015, December). Retrieved from https://zakon.rada.gov.ua/laws/show/995_161#Text.
- [28] Prymak, B. (2023). The mechanism of legal regulation of contractual relations in the conditions of martial law. *Foreign Trade: Economics, Finance, Law*, 129(4), 28-38. doi: [10.31617/3.2023\(129\)03](https://doi.org/10.31617/3.2023(129)03).
- [29] Puzko, M. (2024). Normative-legal regulation in culture and creative industries: Insights from Ukraine and the EU. *University Scientific Notes*, 2(98), 39-49. doi: [10.37491/unz.98.4](https://doi.org/10.37491/unz.98.4).
- [30] Rajamani, L. (2024). Interpreting the Paris Agreement in its normative environment. *Current Legal Problems*, 77(1), 167-200. doi: [10.1093/clp/cuae011](https://doi.org/10.1093/clp/cuae011).
- [31] Shevchuk, B. (2023). *Public administration in the ecology sphere*. Retrieved from <https://is.gd/6fmFhQ>.
- [32] Shubalyi, O., Korolenko, M., & Kosinskyi, P. (2019). Improvement of forms and methods of financial-economic stimulation in the field of natural resources. *RFI Scientific Papers*, 3, 51-65. doi: [10.33763/npndfi2019.03.051](https://doi.org/10.33763/npndfi2019.03.051).
- [33] Tong, S., Bambrick, H., Beggs, P.J., Chen, L., Hu, Y., Ma, W., Steffen, W., & Tan, J. (2022). Current and future threats to human health in the Anthropocene. *Environment International*, 158, article number 106892. doi: [10.1016/j.envint.2021.106892](https://doi.org/10.1016/j.envint.2021.106892).
- [34] Tymokha, A. (2024). Regulatory and legal provision of the public administration of the development of the road industry of Ukraine. *Pressing Problems of Public Administration*, 1(64), 163-175. doi: [10.26565/1684-8489-2024-1-10](https://doi.org/10.26565/1684-8489-2024-1-10).
- [35] United Nations Convention on the Law of the Sea. (1982, December). Retrieved from https://zakon.rada.gov.ua/laws/show/995_057#Text.
- [36] van der Heijden, J. (2021). Regulation as public service, public servants as regulators: An introduction. In H. Sullivan, H. Dickinson & H. Henderson (Eds.), *The Palgrave handbook of the public servant* (pp. 703-720). Cham: Palgrave MacMillan. doi: [10.1007/978-3-030-29980-4_103](https://doi.org/10.1007/978-3-030-29980-4_103).
- [37] Vroniuk, N. (2024). Relevance of international legal and national standards of safety of navigation and the role of classification societies in the context of modern challenges and innovations in shipbuilding. *Scientific Journal of the National Academy of Internal Affairs*, 29(4), 22-34. doi: [10.56215/naia-herald/4.2024.22](https://doi.org/10.56215/naia-herald/4.2024.22).
- [38] Wang, F., et al. (2021). Technologies and perspectives for achieving carbon neutrality. *The Innovation*, 2(4), article number 100180. doi: [10.1016/j.xinn.2021.100180](https://doi.org/10.1016/j.xinn.2021.100180).
- [39] Woo, K.H., & Khoo, S.L. (2020). Ecology and new urban program: A case study of Penang state own brand of Affordable Housing Program. *Journal of Urban Management*, 9(2), 168-179. doi: [10.1016/j.jum.2020.01.001](https://doi.org/10.1016/j.jum.2020.01.001).

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Анотація

Актуальність дослідження обумовлена тим, що післявоєнна відбудова України передбачає наявність розробленої фінансової, політичної та економічної стратегії. Своєю чергою остання повинна бути посилена ефективним правовим регулюванням. Метою дослідження було вивчення можливості використання міжнародної співпраці, закріпленої відповідними договорами, як одного з чинників для подальшого розвитку державного управління в Україні та права як результативного фактору її післявоєнної відбудови. У дослідженні були використані формально-логічний, порівняльно-правовий та юридичної герменевтики методи. Констатовано необхідність подолання розриву між правовими цілями та результатами державного управління у контексті європейської інтеграції та післявоєнної відбудови України. Водночас важливу роль відіграють підписані Україною міжнародні договори та внутрішні проєкти, які розробляються у країні щодо врегулювання сфери державного управління, а також виконання Україною зобов'язань відповідно до них. Першочергово мова йде про ті, які стосуються економічних питань, а саме – функціонування галузі енергетики, яка найбільше постраждала від військової агресії Російської Федерації проти України. Таке завдання можна виконати за допомогою збільшення напрямів співпраці України з іншими державами, а також посилення діяльності щодо прогнозування й аналітики з метою подолання можливих ризиків у ній. Таким чином можна буде забезпечити ефективне правове регулювання в окресленій сфері. Необхідно також чітко визначити межі міжнародного співробітництва України та розробити відповідну правову базу для прийняття та імплементації необхідних законодавчих актів в економічній та адміністративній сферах з урахуванням національних інтересів України у післявоєнній відбудові. Практичне значення дослідження полягає у тому, що в ньому запропоновано кроки вдосконалення правового регулювання сфери державного управління у період повоєнної відбудови в контексті реалізації важливої міжнародно-правової угоди

Ключові слова: державне управління, міжнародна співпраця, правове регулювання, кліматична угода, фінансова допомога, європейські цінності



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Impact of protected rice fields policy on non-agricultural land

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Abstract

The policy of protected rice fields is regulated under Indonesian Basic Agrarian Law, particularly Article 14, which authorises the state to plan and control land use for national interests, including food security. However, in practice, the protected rice fields classification often encompasses land no longer functioning as agricultural land, creating legal complications for landowners. This discrepancy raises concerns about the protection of property rights and the principle of legal certainty as outlined in Articles 2, 9, and 10 of the same law. The study aimed to examine the legal implications and challenges posed by the protected rice fields policy when applied to

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non-agricultural land. A normative juridical method and a statutory approach were used, supported by legal theories including the Theory of legal certainty and the theory of legal protection. Primary legal materials and academic commentaries were analysed to understand the constitutional balance between state authority and individual rights. The findings revealed that the protected rice fields policy lacks adequate legal mechanisms for correcting land status and disproportionately limits landowners' economic rights. The study also demonstrates a disconnect between policy design and field realities. Therefore, legal reform is essential to realign the policy with principles of justice, proportionality, and legal certainty. The results of this study can serve as a theoretical foundation for future reform

Keywords: agrarian policy; spatial geographic; administrative; rural transformation; zoning regulation

Introduction

As an agrarian country, Indonesia has a long history in the development of agrarian law. This development is crucial, as a significant portion of its population depends on agriculture. However, rising food consumption has not been matched by corresponding increases in agricultural productivity (Rahmadi, 2019). Instead, agricultural land productivity has been declining, primarily due to deteriorating irrigation systems, extreme weather, and soil degradation, which lead to floods and droughts. Human-induced factors further exacerbate the issue, including population growth, poverty, land ownership disputes, political instability, poor land management, socio-economic challenges, public health issues, the younger generation's disinterest in agriculture, and inappropriate agricultural development (Permadi & Azizi, 2024). Some protected rice fields (PRF) have become targets for exploitative activities that may harm local communities and the environment. Given high ecological and cultural value, the situation has created complex legal issues requiring appropriate solutions.

The designation of PRF presents complex legal challenges not only for the agricultural sector but also for public officials such as notaries and land deed officials (PPAT). R.A. Aini *et al.* (2025) stated the need for greater diligence in land transactions to ensure that the land in question does

not fall within PRF zones. In practice, land that initially appears as residential or non-agricultural on spatial planning systems is later discovered to be classified as PRF, even after a binding sale agreement was signed. This misclassification creates legal uncertainty and exposes all parties particularly developers and landowners to financial and administrative risks.

Restrictions under the PRF policy can create inequality between landowners, particularly disadvantaging those who have legal disputes that hinder effective land use planning. Inaccurate land classification negatively affects community livelihoods by limiting those unable to benefit economically from their land due to imposed limitations. This perceived unfairness can cause social tension, resistance to the policy, and difficulties for housing and employment, especially in areas of rapid population growth. Continued protection of land no longer used for farming can prevent necessary urban development, deepening social inequality.

Moreover, when landowners are restricted from diversifying land use, they may lose motivation to maintain or improve owned property, leading to land degradation and reduced agricultural productivity. This undercuts the intended benefits of the PRF policy. On a larger scale, application of protection measures to already urbanised or industrial land contradicts the policy's

goals, as it obstructs sustainable development and fails to support economic growth where land use has already shifted.

The study by R.M. Petrescu-Mag *et al.* (2024) explored Romanian opinions and views of farmers using interviews and community analysis and proposed solutions to fruit and vegetable (FV) waste. The results demonstrated that farmers view FV waste as discarded crops, with indirect causes such as consumer preference for perfect products and difficult access to markets, thus requiring inclusive policies based on farmers' local knowledge. In contrast, the study by S.S.K. Teo (2024) on Chinese hukou system addressed how recent land market reforms shifting from hukou-based to market-based land rights undermine rural livelihood security by facilitating land dispossession and promoting large-scale agriculture and urbanisation. While both studies highlight threats to rural livelihoods, the former focuses on environmental vulnerabilities and adaptive strategies in Vietnam, whereas the latter critiques institutional reforms and displacement risks in rural China.

Based on the analysis of five previous studies, S. Sutaryono (2023) highlighted that as an agricultural country, Indonesia has a responsibility to ensure the sustainability of agricultural land. This is implemented through Law of Indonesia No. 41 (2009) "On Protection for Sustainable Food Agricultural Land" (PRF), which aims to protect agricultural land, ensure its availability, and improve farmer welfare and national food security. In contrast to research on the impact of the PRF policy which criticises the application of protection on non-productive land, S. Sutaryono (2023) highlights the urgency and ideal objectives of the policy, without discussing implementation problems in the field. N.U. Oktiana *et al.* (2020) investigated the situation in Sleman Regency and determined that the absence of a formal PRF regulation due to structural and social obstacles caused a reliance on spatial planning policies as the sole means of

land protection. Meanwhile, the study discovered that land conversion significantly impacts farmers' economic wellbeing, as income declines due to inadequate adaptation strategies, and further threatens national food security amid increasing population demands and shrinking agricultural land.

The research conducted by W.Y. Saputra *et al.* (2023) analysed the role of land deed officials in Lombok Timur Regency, where PRF protection remains ineffective due to weak legal culture and insufficient institutional enforcement. The role of PPAT role is deemed preventive, mainly through legal advice to the public prior to land transactions. On the other hand, a comparative study of land administration systems between Indonesia and India was conducted, revealing that India enforces stricter regulations by restricting land ownership to farmers and offering more equitable compensation, although Indonesia surpasses India in terms of legal certainty through its formal land certification system. In comparison to these studies, the current research aimed to address existing gaps by examining how the effectiveness of legal protection for PRF is not solely dependent on the existence of regulation, but also on institutional integration, social compliance, and sustainable monitoring and control mechanisms involving all stakeholders.

Materials and Methods

The impact of the protected rice fields policy on land that was a non-agricultural research based on the normative legal method, namely a legal research method used to analyse of applicable laws and regulations and relevant legal principles. In normative legal research, law was defined as a norm or rule present in written regulations, not as an empirical phenomenon (Irwansyah, 2022). Therefore, field data was omitted prioritising the in-depth legal provision analysis governing the protection of rice fields, especially when the land was factually no longer used for agricultural

purposes. The study was compiled in a descriptive analytical manner, hence not only described the contents of the rice field protection policy were described, but the impact and inconsistencies between existing legal provisions and field conditions were also analysed. The study aimed to reveal the disparity between the legal status of land as protected agricultural plot and the fact that the land had changed function or was no longer agriculturally productive. This analysis was important to provide legal input on the effectiveness of the governmental land conversion control policy.

The approaches used in this study were the statute approach and the conceptual approach. The statute approach was conducted by reviewing various relevant regulations, especially Decree of the President of Indonesia No. 59 (2019). Meanwhile, the conceptual approach was used to examine the legal concepts underlying the protection of agricultural land, such as the concept of food security, sustainable development, and the right to a good environment. This approach was used to determine the rationale and objectives to be achieved by the policy. In its implementation, the study utilised primary legal materials in the form of laws and regulations. In addition, secondary legal materials such as books, scientific journals, and legal dictionaries that discussed agrarian issues, land law, and spatial planning were also used. To expand the scope of the study, tertiary legal materials such as encyclopaedias and other supporting sources were used. These three types of legal materials were used to produce a comprehensive and objective legal analysis of rice field protection policies, especially for land that no longer met the qualifications as agricultural land.

Results

The enforcement of land protection under the protected rice fields policy on non-agricultural land raises significant legal and socio-economic consequences, especially when the land in question no

longer serves its intended agricultural purpose. One of the primary legal consequences is the violation of the principle of legal certainty. Landowners who are restricted from using owned property in ways that would be beneficial to economic development face uncertainty (Aini *et al.*, 2025). This is particularly relevant when the land, though legally classified as protected agricultural land, has long ceased to be suitable for agricultural use due to changes in land use or environmental factors. The legal restrictions imposed by the PRF policy create a situation where landowners are unable to exercise property rights, thus infringing upon the use of owned land in the most economically beneficial manner (Amri *et al.*, 2025).

Another legal issue pertains to the misapplication of land protection laws, which can lead to a mismatch between policy objectives and the actual needs of landowners. When land is misclassified as protected agricultural land, it may prevent owners from converting plots into other uses, such as residential, commercial, or industrial developments. This legal limitation not only affects property rights but also fails to align with the current land use patterns on the ground. As a result, landowners may face constant legal frameworks that no longer reflect the realities of land use, leading to potential legal disputes and challenges. Requirements for both owners and tenants of agricultural land are traditionally stricter, which is due to the need to maintain productivity (Marchenko & Orobchuk, 2021).

From a socio-economic perspective, the misclassification of non-agricultural land as protected rice fields can significantly reduce the market value of the land. Since the land is legally restricted to agricultural use, it may be undervalued in the market, especially if it is located in an area where residential or commercial development would be more economically viable (Permadi & Azizi, 2024). This reduction in land value can cause financial losses for landowners who may

have invested in the land for purposes other than agriculture. Furthermore, it can discourage potential investors or developers from considering the land as a viable option, further contributing to economic stagnation in areas that could benefit from more diversified land uses.

The inability to utilise land for best use has wider economic ramifications. In regions of a growing need for infrastructure or residential development, the misclassification of land as protected agricultural space can hinder urban growth and economic development. As cities and towns expand, there is an increasing demand for land that can accommodate housing, roads, and commercial establishments (Prabowo *et al.*, 2023). However, by restricting non-agricultural land in these areas from being developed, the PRF policy limits the capacity of local governments to meet the growing needs of their populations. This misalignment between policy and development objectives can result in inefficient land use and missed opportunities for regional economic growth.

The state control over land in Indonesia is governed by Article 2(2) Law of Indonesia No. 5 "On the Basis of Agrarian Principles" (1960), which grants the state authority to (a) regulate and organise the allocation, use, supply, and maintenance of land, water, and airspace; (b) determine and regulate legal relationships between people and land, water, and airspace; and (c) determine and regulate legal acts concerning land, water, and airspace. Under this authority, the state is entitled to formulate policies, as articulated in Article 14 of the agrarian law. This includes planning the general supply, designation, and use of natural resources for national interests, religious practices, societal well-being, and to advance agricultural, livestock, and fishery production, along with industrial, transmigration, and mining development. In this context, to protect agricultural land from conversion, degradation, and fragmentation driven by population growth, economic

expansion, and industrialisation at the local level, the government issued Law of Indonesia No. 41 "On the Protection of Sustainable Agricultural Land" (2009). Even where such regulations exist, they often specify only numerical targets without providing accurate locational data.

The policy of controlling the conversion of rice fields through the designation of PRF reflects the governmental commitment to safeguarding agricultural land and ensuring national food security to achieve societal welfare. Regulation of the President of Indonesia No. 59 (2019) are the legal foundation for this effort, aiming to accelerate the mapping and establishment of protected rice fields. This initiative supports national food needs, prevents rapid land conversion (Isma-ya, 2024). While PRF encompasses all types of consistently cultivated agricultural land, the category specifically refers to rice fields. To ensure efficient regulation, the Coordinating Ministry for Economic Affairs issued further provisions through Regulation of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of Indonesia No. 18 (2020), forming an Integrated Team responsible for synchronising field verification and land designation processes.

Despite the efforts, land conversion remains relevant due to income-related motives. However, such conversion are substantial, as they threaten regional economic stability and produce more negative than positive effects. The transition from agriculture weakens national food security, reduces rice farming income, increases poverty, wastes agricultural investments, alters employment structures, and diminishes net social benefits. Farmers often face declining productivity due to small land sizes and poor irrigation, leading to harvest failures. Moreover, limited communication with local areas has caused difficulties for property developers due to Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia No. 2

"On the Procedures for the Implementation of Verification of Paddy Field Data against Land and Spatial Planning Data, Determination of Protected Paddy Field Maps, and Provision of Recommendations for Changes in Land Use on Protected Paddy Fields" (2024), particularly affecting those developing subsidised housing. While aimed at environmental preservation and food security, the implementation of PRF may inadvertently hinder regional investment and economic growth if not carefully managed (Ajeng Pramesthy, 2023).

The legal and socio-economic consequences of enforcing the protected rice fields policy on non-agricultural land are multifaceted and far-reaching. From a legal standpoint, the misclassification of land can infringe upon property rights and create legal disputes, while from an economic perspective, it can reduce land value and hinder investment. Socially, the policy can exacerbate inequality and limit opportunities for disadvantaged communities, while also discouraging investment in land improvement and contributing to the inefficiency of land use. These challenges highlight the need for a more flexible and adaptive land protection policy that accurately reflects the realities of land use in different regions and provides for the sustainable development of both agricultural and non-agricultural lands (Zhou, 2024).

Based on the provisions stipulated in Article 14 Law of Indonesia No. 5 "On the Basis of Agrarian Principles" (1960), the state, through the Government, holds the authority to formulate general policies regarding the supply, allocation, and use of land, water, and natural resources. This authority is derived from the state's sovereign right to manage all land within territory. The government, acting as the administrator of land affairs, exercises this power following the principles of Indonesian socialism and the collective welfare of its people. The article stipulated that such planning is not arbitrary but must be rooted in legal provisions and the public interest.

The legal mandate outlined in Article 14 Law of Indonesia No. 5 (1960), aligns with the broader constitutional framework in which the state is entrusted with managing natural resources for the greatest benefit of the people. This includes the use of land for national interests such as public infrastructure, religious purposes, and community development. The categorisation of land use into sectors such as agriculture, industry, and social welfare demonstrates a holistic approach to national development, grounded in equity and sustainability. Hence, land use planning is not solely a technical administrative task but a strategic legal function that reflects the state's obligations, as was noted by I. Permadi & I. Azizi *et al.* (2024). In terms of legal interpretation, the state's authority to enact policies such as the PRF policy must be exercised within this legal policy. This policy represents an embodiment of the government's responsibility to protect agricultural land for food security and public welfare. It is not a bureaucratic regulation but a fulfilment of the state's duty to ensure responsible land use as envisioned by the agrarian law. However, the implementation of such policies must still uphold legal certainty and procedural justice, ensuring that individual landowners are not arbitrarily disadvantaged. Thus, while the state can regulate land use in the public interest, such regulation must remain consistent with legal norms, including procedural fairness, legal certainty, and the protection of individual rights. The balance between state authority and individual land rights is crucial for sustaining public trust in governance and maintaining social justice, as was noted by T. Purwanti (2018). The implementation of Article 14 Law of Indonesia No. 5 (1960) highlights that every land use policy must operate within a constitutional and statutory framework that prioritises both national interests and the rights of its citizens.

Following A. Giuliani (2023), the implementation of land protection policies, particularly those concerning the designation of protected

agricultural land, must be based on solid legal foundations to ensure predictability and fairness. According to the theory of legal certainty, as embraced in Indonesia's civil law tradition, a law must be general, knowable, and predictable, comprehensible to individuals regarding what is permitted and what is not. Legal certainty requires that all legal rules be formulated clearly, be based on factual circumstances, and not be changed arbitrarily. That certainty is one of the core purposes of law and that law must be positive, based on reality, and expressed clearly to avoid multiple interpretations of V. Velkovski (2024). This is particularly relevant in assessment of land protection policies that may affect property rights and livelihood.

Improper designation of protected land can create legal ambiguity, especially when regulations are inconsistent or implemented without reference to existing statutes. If the government arbitrarily declares land as protected without appropriate procedural mechanisms or stakeholder involvement, it violates the principle of legal certainty (Parvatha, 2016). I. Amri *et al.* (2025) stated that legal certainty ensures strict governmental actions regarding landowners and communities, thus improving clarity. When a policy such as PRF designation affects a person's right to use, develop, or transfer the land, it must be based on law, passed through transparent procedures, and involve affected parties.

Moreover, that legal certainty includes not only clear statutory provisions but also consistency in judicial decisions. Therefore, similar land disputes should be resolved in a similar manner. If courts offer inconsistent rulings on PRF-related disputes, it undermines the public trust in the law. Furthermore, legal certainty is divided into procedural and substantive dimensions. Procedural certainty requires fair and impartial processes in policymaking, while substantive certainty ensures that legal rights are protected unless otherwise revoked through a fair judicial

mechanism. The sudden classification of land as protected, without due process, violates both. The absence of legal certainty in land protection policies can cause severe socio-economic consequences. For instance, landowners may be prevented from using the land for productive purposes, yet without adequate compensation or legal avenues for challenge. This can reduce agricultural output, deter investment, and exacerbate poverty (Prasmethy *et al.*, 2023).

From a legal perspective, such practices can amount to constructive expropriation. While the land remains formally in the owner's name, restrictions imposed by the government effectively strip away the economic value of ownership. Legal certainty would require that such a policy be backed by clear laws and provide compensation mechanisms. Turning to the theory of legal protection, divides protection into preventive and repressive mechanisms. Preventive legal protection ensures that policies are fair and transparent before they are enforced, while repressive protection ensures that those harmed by a policy can seek remedies through legal channels. The PRF designation should, in theory, fall under preventive legal protection. Before a parcel of land is classified as protected, the government must inform and consult with stakeholders, ensure clear regulatory procedures, and provide legal avenues for objection or appeal (Surata, 2023).

In Indonesia, preventive legal protection remains underdeveloped. As a result, many landowners only become aware of the PRF designation once it has taken effect, limiting recourse. This undermines the rule of law and violates the principle of access to justice. The right to be heard is fundamental in a democratic legal system. Any policy that significantly affects individual rights such as land protection must be accompanied by mechanisms enabling affected parties to voice objections or seek clarification. This principle underpins both good governance and social legitimacy.

Regulation of the President of Indonesia No. 59 (2019) is used as a legal foundation for accelerating the mapping and designation of PRF in Indonesia. This regulation underscores the governmental commitment to securing agricultural land as a national asset, especially in the face of rapid urbanisation and land conversion pressures. However, while the regulation stipulates procedural mechanisms for designating PRF zones, it lacks detailed provisions ensuring meaningful public participation, access to information, and mechanisms for grievance redress. This omission raises concerns about the adequacy of legal protection afforded to affected communities, particularly smallholder farmers whose livelihoods depend on land use flexibility and clarity of tenure.

According to the theory of legal protection, the law must not only exist but must be clearly communicated and effectively enforced to serve its intended protective function. When the implementation of PRF under Regulation of the President of Indonesia No. 59 (2019) proceeds without full transparency, including informing communities of their rights, obligations, and land status changes, it undermines both legal certainty and public trust. Farmers may resist or subvert the policy, not due to opposition to sustainable land use per se, but due to alienation from decision-making processes and subjected to ambiguous or arbitrary enforcement. This disconnects between regulation and reality reflects a deeper systemic issue in land governance that the regulation fails to adequately address.

Furthermore, the failure to balance land preservation with economic and social dimensions of development contravenes the broader constitutional mandate of promoting public welfare. Land use policies, particularly those involving restrictions such as PRF, must consider the socio-economic impact on rural communities. Without supportive measures such as fair compensation, legal clarity, and access to alternative livelihoods

the regulation risks reinforcing structural injustice. Thus, to uphold the principles of a lawful and just society, Regulation of the President of Indonesia No. 59 (2019) must be implemented with a stronger emphasis on legal certainty, procedural justice, and inclusive governance that empowers citizens rather than marginalises them.

Discussion

The research by R.M. Petrescu-Mag's *et al.* (2024) on agricultural waste in Romania, provided an interesting contrast to the critique of the Protected Rice Fields policy. The study analysed perceptions and local solutions of farmers, a of "bottom-up" view of the agricultural supply chain. In contrast, the PRF research criticises rigid "top-down" policies applied to non-agricultural land. These are two different planes of discussion. R.M. Petrescu-Mag *et al.* (2024) analysed the internal processes of the agri-food system, while the PRF study uncovers the gap between declarative policy and actual land use. Study conclusions formulated recommendations for inclusive policies that involve farmers in reducing food waste. On the other hand, the PRF research calls for revising policies based on real data to avoid spatial conflicts, demanding systemic change. Therefore, policy implications reflect different problem scales: micro-level solutions (farmer-consumer interactions) versus macro-level solutions (government regulation and regional planning).

Comparison of a study by S.S.K. Teo (2024) with the research on PRF policy is noteworthy, as both reveal the failure of land policies, albeit from opposing directions. S.S.K. Teo (2024) highlighted the negative impacts of market liberalisation on land ownership in China, which led to farmer evictions. This underscores the dangers when the state releases control. Conversely, the PRF study criticised rigid protective policies in Indonesia, where non-agricultural land remains protected rice fields, causing spatial inefficiencies

and social conflicts. This shows the risks of excessive regulation that does not align with practice. While S.S.K. Teo (2024) emphasised the dangers of reducing state control, the PRF study demonstrates the risks of excessive regulation that does not match the reality. Methodologically, S.S.K. Teo's (2024) employed an institutional approach, while the PRF study combined legal, institutional, and socio-economic impact analysis. Both, however, significantly enrich the discourse on agrarian policy by stressing the importance of balancing state intervention with policy flexibility based on local contexts.

S. Sutaryono (2023) emphasised the importance of Law of Indonesia No. 41 (2009) as an ideal effort to protect sustainable agricultural land for food security and farmer welfare, with an emphasis on normative objectives and long-term benefits of the policy. In contrast, the present study criticised the implementation of the policy as not representative of the factual conditions of the land, where non-agricultural land remains administratively protected, thus creating legal uncertainty and economic obstacles. Thus, both start from the same regulation, but provide different focuses: S. Sutaryono (2023) idealised the policy, while current research on PRF highlighted the problems of its implementation.

N.U. Oktiana *et al.* (2020) and presented study both criticise the weaknesses of the PRF policy, but with different focuses. N.U. Oktiana *et al.* (2020) found that in Sleman, agricultural land protection only relies on spatial plans because as are no special regional regulations, thus potentially creating legal uncertainty. Meanwhile, this study not only confirms these findings, but further reveals the fundamental problem, namely the non-selective application of PRF policies to land that is in fact not agricultural, such as dry land, former mining, or residential areas, which distorts spatial planning and triggers conflicts of interest. While previous studies emphasised the absence of a special

legal protection, presented study provides a substantive solution in the form of the need to review the criteria for determining PRF based on accurate spatial data and involving community participation, while analysing the socio-economic impacts of the policies through a holistic approach. Thus, this study not only identifies regulatory problems but also provides concrete solutions to increase the effectiveness of PRF policies in the field.

While W.Y. Saputra *et al.* (2023) examined the weaknesses of the role of PPAT in enforcing PRF law in East Lombok, this study addressed the impact of implementing PRF on non-agricultural land which causes economic and spatial problems. If previous studies suggested administrative solutions through strengthening PPAT, this study recommends a more fundamental policy approach by re-evaluating PRF criteria based on real land conditions and socio-economic impacts, offering a comprehensive perspective that goes beyond mere law enforcement aspects.

The digitisation of land certificates, as discussed by P.D. Maharani and Y.M. Ahmad (2024), aims to improve the accuracy of land data, reduce the risks of land disputes and the "land mafia". More accurate and accessible information on land ownership and use can contribute to improved implementation of rice field protection policies, as the status of land will be more clearly defined. This can help prevent the illegal conversion of agricultural land to non-agricultural use. If rice field protection policies require clear identification and registration of such land, the digitisation of land certificates could make this data more accessible and verifiable, which in theory should facilitate better policy implementation. A unified electronic land cadastre platform and free access to information about available land plots and their status will ensure both the transparent distribution of resources, which is important for the development of small farms (Kairbayev *et al.*, 2025), and the recording of the status of plots.

This study contributed to the agricultural land policy literature by critiquing the implementation of the PRF policy on land that is not actually agricultural – a perspective that has not been widely discussed in previous studies. In contrast to previous studies that generally emphasise protection of agricultural land from conversion or weaknesses in regulatory implementation, this study revealed the negative impacts of overly rigid protective policies when applied to marginal land, ex-mining areas, or residential areas. The main positive aspect of the study is determined by the holistic approach that integrates legal, spatial, economic, and social analysis, so that it is able to comprehensively map the various consequences that arise from this off-target policy. The research findings not only identify problems, according to F. Fatturahman (2024), but also offer innovative solutions in the form of a real data-based evaluation system, flexible exception mechanisms, and strengthening community participation in the policy-making process. Thus, this study successfully expanded the conventional discourse on agricultural land protection and provides a new, more balanced perspective in formulating effective and socially just PRF policies.

Conclusions

The analysis of the protected rice fields policy and its unintended consequences on non-agricultural land reveals profound legal and socio-economic ramifications, primarily stemming from the misalignment between the policy's food security objectives and the actual condition of land in the field. While the PRF policy aims to preserve rice fields to ensure national food security, its rigid implementation where land no longer used for agriculture remains classified as protected has caused significant issues for landowners. These individuals often face administrative impasses, inability to alter land status, and suppressed economic potential, especially when the land lies in urban or strategic

locations. This scenario reflects flaws in the principles of the theory of legal certainty, as proposed by legal scholars, which demands predictability, clarity, and consistency in the application of law. The inability to foresee or control the legal consequences tied to land, alongside the absence of transparent procedural remedies, signals a serious violation of legal certainty. Simultaneously, the issue also breaches the theory of legal protection, which requires the state to provide both preventive safeguards to avoid injustice and repressive mechanisms to rectify violations. Under the PRF policy, both are severely lacking landowners have no access to preventive oversight or post-facto correction mechanisms, leaving them vulnerable to arbitrary classifications. Although Article 14 of the Basic Agrarian Law grants the state the authority to determine land use in accordance with national priorities, this authority must still be exercised in harmony with Articles 2, 9, and 10 the Basic Agrarian Law which emphasise justice, individual rights, and social benefit. The state's role as a regulator must therefore be grounded in equitable and lawful action. To restore trust and fairness, the government must urgently reform the PRF framework by updating land databases, enabling administrative correction procedures, and ensuring the entire policy aligns with Indonesia's legal commitments to uphold justice, the rule of law, and the socio-economic rights of its citizens.

Further research should examine in more depth the evaluation mechanism and administrative correction of the determination of PRF status, especially on land that has changed function in fact but is still bound by protective regulations. This study can use a juridical-sociological approach to explore practices in the field and the perceptions of stakeholders such as landowners, local governments, and land officials.

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Conflict of Interest

None.

References

- [1] Aini, R.A., Hasbi, M., Syam, M., & Arben, A. (2024). Implications of subsidized housing development on the protected rice fields (LSD) program in Sintuk Toboh Gadang District. *Unes Law Review*, 7(2), 880-892. doi: [10.31933/unesrev.v7i2.2390](https://doi.org/10.31933/unesrev.v7i2.2390).
- [2] Ajeng Pramesthy, H.K., Yasa, W., Setyawan, F., Adiwibowo, Y., & Putra Manggala, F. (2023). The impact of conversion of protected rice fields (LSD) on rural food security in Jember Regency. *Inicio Legis*, 4(2), 167-181. doi: [10.21107/il.v4i2.23103](https://doi.org/10.21107/il.v4i2.23103).
- [3] Amri, I., Serlia, A., Ardiati, S.A., Andika, Y., Al Tumus, G.M.R., & Hidayah, N. (2025). [Rice field distribution in Aceh: A study in the context of spatial planning](#). *BIO Web of Conferences*, 167, article number 02001.
- [4] Fatturahman, F. (2024). [The impact of incompatibility in determining protected rice field land on the regional spatial plan in Klaten Regency](#). (Bachelor's diploma, National Land College, Yogyakarta, Indonesia).
- [5] Giuliani, A. (2023). The CAP (Common Agricultural Policy): A short history of crises and major transformations of European agriculture. *Forum for Social Economics*, 54(1), 68-94. doi: [10.1080/07360932.2023.2259618](https://doi.org/10.1080/07360932.2023.2259618).
- [6] Irwansyah, S.H. (2022). [Legal research selected methods & article writing practices](#). Yogyakarta: Mirra Buana Media.
- [7] Kairbayev, D., Rakhimzhanova, G., & Kairbay, A. (2025). Socio-legal challenges of legal regulation of land relations in the Republic of Kazakhstan. *Social and Legal Studios*, 8(1), 238-250. doi: [10.32518/sals1.2025.238](https://doi.org/10.32518/sals1.2025.238).
- [8] Law of Indonesia No. 41 "On the Protection of Sustainable Agricultural Land". (2009, October). Retrieved from <https://peraturan.bpk.go.id/Details/38786/uu-no-41-tahun-2009>.
- [9] Law of Indonesia No. 5 "Concerning The Basis of Agrarian Principles". (1960, September). Retrieved from <https://peraturan.bpk.go.id/Details/51310/uu-no-5-tahun-1960>.
- [10] Maharani, P.D., & Ahmad, Y.M. (2024). Legal perspective on digitalising land certificates: Analysing synchronisation and harmonisation in Indonesia's job creation law. *Jurisdicție: Jurnal Hukum Dan Syariah*, 15(2), 337-379. doi: [10.18860/j.v15i2.28859](https://doi.org/10.18860/j.v15i2.28859).
- [11] Marchenko, O., & Orobchuk, M. (2021). Modern methods to provide resource security of agricultural land-use. *Social and Legal Studios*, 4(4), 137-147. doi: [10.32518/2617-4162-2021-4-137-147](https://doi.org/10.32518/2617-4162-2021-4-137-147).
- [12] Oktiana, N.U., Waluyo, & Nugroho, A. (2020). [Implementation of sustainable food crop land protection based on spatial planning regulations](#). *Jurnal Discretie Jurnal Bagian Hukum Administrasi Negara*, 1(1), 16-24.
- [13] Parvatha, R. (2016). Integrated crop-livestock farming systems. In *Sustainable intensification of crop production* (pp. 357-370). Singapore: Springer Singapore. doi: [10.1007/978-981-10-2702-4_23](https://doi.org/10.1007/978-981-10-2702-4_23).
- [14] Permadi, I., & Azizi, I. (2024). Agrarian reform: Implementation and exploration of land conflicts in several countries (a bibliometric and content analysis of international research on the agrarian reform concept). *Wseas Transactions on Environment and Development*, 20, article number 77. doi: [10.37394/232015.2024.20.77](https://doi.org/10.37394/232015.2024.20.77).

- [15] Petrescu-Mag, R.M., *et al.* (2024). Causes and solutions for fruit and vegetable waste: A participatory approach with Romanian farmers for sustainable agriculture. *International Journal of Agricultural Sustainability*, 22(1). doi: [10.1080/14735903.2024.2329391](https://doi.org/10.1080/14735903.2024.2329391).
- [16] Prabowo, S.A., Kamil, M.I., & Mauludin, N.A. (2023). Implementation of certificate splitting and separation services in the “protected rice fields” area based on the Regulation of the Minister of Atr/Bpn Number 12 of 2020 (study at the Mataram City Land Office). *Unizar Recht Journal (URJ)*, 2(1), 167-184. doi: [10.36679/urj.v2i1.61](https://doi.org/10.36679/urj.v2i1.61).
- [17] Purwanti, T. (2018). [Farmers land and development: The impact of land conversion on the economic life of farmers](#). *Jurnal Umbara Indonesia Journal of Anthropology*, 3(2).
- [18] Rahmadi, M. (2019). *The impact of declining agricultural land quality on organic-themed activities in bandung and surrounding areas*. Retrieved from <https://digilib.uinsgd.ac.id/10498/>.
- [19] Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia No. 2 “On Procedures for the Implementation of Verification of Paddy Field Data against Land and Spatial Planning Data, Determination of Protected Paddy Field Maps, and Provision of Recommendations for Changes in Land Use on Protected Paddy Fields”. (2024, January). Retrieved from <https://peraturan.bpk.go.id/Details/307143/permen-atr-kepala-bpn-no-2-tahun-2024>.
- [20] Regulation of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of Indonesia No. 18 “On the Establishment of the Organization, Work Area, Duties and Functions of the Representative Land Office of Maluku Barat Daya Regency and Buru Regency”. (2020, September). Retrieved from <https://www.regulasip.id/book/17379/read>.
- [21] Regulation of the President of Indonesia No. 59 “On the Control of Conversion of Paddy Fields”. (2019, September). Retrieved from <https://peraturan.bpk.go.id/Details/120618/perpres-no-59-tahun-2019>.
- [22] Saputra, W.Y., Arba, M., & Minollah. (2023). The Role of Ppat in Efforts to Protect Sustainable Food Agricultural Land: (A Study in East Lombok Regency). *Jurnal Risalah Kenotariatan*, 4(2), 956-976. doi: [10.29303/risalahkenotariatan.v4i2.192](https://doi.org/10.29303/risalahkenotariatan.v4i2.192).
- [23] Surata, G. (2023). [Legal impact of determining protected rice fields as a form of government concern for national food provision \(study at the Office of the Agricultural Service of Buleleng Regency\)](#). *Kertha Widya Jurnal Hukum*, 11(2), 144-178.
- [24] Sutaryono, S. (2023). *Protected rice fields*. Retrieved from https://repository.stpn.ac.id/3926/1/Lahan%20Sawah%20Dilindungi_Sutaryono.pdf.
- [25] Teo, S.S.K. (2024). Gentrification and its variegated emplacements: The politics of microregeneration in shenzhen, China. *Annals of the American Association of Geographers*, 114(6), 1119-1136. doi: [10.1080/24694452.2024.2324889](https://doi.org/10.1080/24694452.2024.2324889).
- [26] Velkovski, V. (2024). The state policy on the protection of soil resources in Bulgarian agriculture and agricultural territories – theoretical-practical aspects and problems. *Agricultural Science & Technology*, 16(3), 92-99. doi: [10.15547/ast.2024.03.034](https://doi.org/10.15547/ast.2024.03.034).
- [27] Zhou, H. (2024). [Application of a centrifugal disc fertilizer spreading system for UAVs in rice fields](#). *Heliyon*, 10(8), article number e29837.

Вплив політики захисту рисових полів на землі несільськогосподарського призначення

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Анотація

Політика щодо захищених рисових полів регулюється Основним аграрним законом Індонезії, зокрема статтею 14, яка уповноважує державу планувати і контролювати використання землі в національних інтересах, включаючи продовольчу безпеку. Однак на практиці класифікація захищених рисових полів часто охоплює землі, які більше не функціонують як сільськогосподарські угіддя, що створює юридичні складнощі для землевласників. Ця невідповідність викликає занепокоєння щодо захисту прав власності та принципу правової визначеності, викладеного у статтях 2, 9 та 10 цього ж закону. Метою дослідження було вивчення правових наслідків і проблем, що виникають у зв'язку з політикою захисту рисових полів, коли вона застосовується до земель несільськогосподарського призначення. Для цього були використані нормативно-правовий метод і статутний підхід, підкріплені правовими теоріями, включаючи теорію правової визначеності та теорію правового захисту. Первинні правові матеріали та наукові коментарі були проаналізовані для розуміння конституційного балансу між державною владою та правами особи. Результати дослідження показали, що політика захисту рисових полів не має адекватних правових механізмів для виправлення статусу землі та непропорційно обмежує економічні права землевласників. Дослідження також продемонструвало розрив між розробкою політики та реаліями на місцях. Тому правова реформа є необхідною для приведення політики у відповідність до принципів справедливості, пропорційності та правової визначеності. Результати цього дослідження можуть слугувати теоретичним підґрунтям для майбутньої реформи

Ключові слова: аграрна політика; просторово-географічний; адміністративний; трансформація сільських територій; регулювання зонування



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Balancing public safety and civil rights: Successes and challenges of AI-based video surveillance systems

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Abstract

In contemporary society, security has acquired exceptional importance, prompting increasing interest in intelligent video surveillance. The aim of this study was to conduct a systematic analysis of current approaches to AI-powered video analytics, encompassing technological algorithms, legal constraints, and the social implications of their application. The methodology employed an interdisciplinary approach combining systems analysis, legal and comparative methods, analytical review, and case study analysis. The research examined the functional capabilities of intelligent video systems based on machine learning and deep learning. It revealed that although modern AI video analytics systems are highly effective in enhancing security (e.g., threat detection and behavioural analysis), they also generate significant ethical and legal risks – particularly with respect to privacy violations and algorithmic discrimination. A comparative legal analysis highlighted marked

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differences in regulatory models across jurisdictions: European systems emphasise privacy protection, while the Chinese approach prioritises threat prevention. AI-powered video analytics has had a profound impact on the right to privacy, particularly due to the mass collection of biometric data and automated profiling, sparking debate over compliance with international standards such as the General Data Protection Regulation and the Convention for the Protection of Human Rights. The comparative analysis demonstrated divergent approaches: in the EU, privacy protection is paramount (e.g., the ban on facial recognition in France), whereas China and the United States focus more on security – often at the expense of civil liberties. Regulatory challenges include the misalignment of national laws with international norms, especially regarding data retention and algorithmic bias. To strike a balance, the study proposed clear legal frameworks, limitations on data storage periods, independent oversight, and “ethical passports” for algorithms – measures that would combine technological efficacy with the safeguarding of human rights. The study recommends harmonising standards that take into account both technical capacities and ethical-legal norms. The practical value lies in the potential use of the findings to design balanced AI video analytics systems

Keywords: surveillance; legal frameworks; algorithmic bias; privacy policy; crime prevention; public safety

Introduction

In modern world, security has become one of society’s fundamental values, driving the rapid development and deployment of cutting-edge video surveillance technologies. The emergence of intelligent systems capable of analysing video streams in real time has not only transformed the monitoring of public spaces but also ushered in a new paradigm in the field of security. The application of artificial intelligence (AI) in video analytics has gained particular relevance, especially in areas such as threat detection, anomaly identification, and the monitoring of suspicious behaviour. In light of global challenges – such as terrorism, mass unrest, and disasters at large-scale events – intelligent video surveillance is increasingly viewed not merely as a monitoring tool but as an active component of public safety infrastructure. At the same time, the rapid advancement of AI demands continuous revision of existing analytical methods, the integration of new algorithms, the improvement of hardware, and the resolution of ethical and legal dilemmas. The relevance of this

study lies in the contradictory effects of AI video surveillance on public safety and human rights. On the one hand, technologies for facial recognition, behavioural analysis, and predictive analytics greatly enhance crime prevention capabilities. On the other, the mass collection of biometric data, total surveillance of public spaces, and risks of algorithmic discrimination present significant threats to: Privacy (e.g., unauthorised profiling of individuals); Freedom of movement (e.g., the “chilling effect” of constant surveillance); Civil liberties (e.g., suppression of protest activity); Equality (e.g., biased algorithms affecting specific social groups). International institutions such as the United Nations and the European Union call for legal safeguards – ranging from Data Protection Impact Assessments (DPIAs) to algorithmic transparency – making the investigation of the balance between security and human rights critically important to the development of responsible AI. In the 2020s, numerous researchers examined the potential of AI in the context of video surveillance.

Notably, the work by E. Şengönül *et al.* (2023) reviewed modern machine and deep learning methods for anomaly detection in video streams. The study by A. Rashid and A. Kausik (2024) analysed over 200 sources on AI surveillance, identifying a central tension between enhancing public safety and the risks posed to privacy rights. The authors compared various regulatory models – from the strict General Data Protection Regulation (2016) to more liberal frameworks – emphasising the necessity of transparent algorithms and safeguards against discrimination. Their conclusions underscore the need for balanced legal frameworks that reconcile technological progress with the protection of democratic values. In another study, D. Almeida *et al.* (2022) examined the ethical and legal challenges of facial recognition technologies used by law enforcement in the United States, the United Kingdom, and the EU. The authors advocated for mandatory human rights and data impact assessments, alongside standardised transparency requirements.

M. Smith and S. Miller (2022) focused on the potential of facial recognition in combating crime, while simultaneously highlighting privacy risks and the need for legal frameworks to preserve democratic values. M. Anderljung *et al.* (2023) addressed regulatory challenges surrounding advanced AI models, which pose significant risks to public safety. They proposed a governance model combining industry self-regulation with state oversight through standardisation, registration, and control mechanisms. In a separate contribution, A. Mantelero (2022) developed a human rights-oriented AI risk assessment methodology, integrating ethical and social values into legal regulation and addressing shortcomings in traditional data protection approaches. The research by L. Ricciardi Celsi (2023) introduced an innovative method for assessing AI projects using a “risk-adjusted actual value” metric. It demonstrated that higher risk can diminish potential

social benefit, thereby informing sound decision-making in technology development. A. Habbal *et al.* (2024) explored the AI TRISM framework as a means of fostering trust in AI through risk management, security, and compliance. The authors stressed the importance of flexible responses to dynamic threats and cross-sectoral cooperation. Thus, the literature shows widespread interest in issues of transparency, legal oversight, ethical standards, and risk governance in the context of AI. However, insufficient attention has been paid to the influence of cultural and social contexts on the perception and legitimacy of AI surveillance, as well as the role of public participation in shaping related policies.

The aim of this study was to identify the optimal conditions for the application of AI-based video surveillance that ensure a balance between enhancing public safety and upholding human rights. The research objectives included: examining the impact of technical parameters of AI video analytics (such as algorithm accuracy and error rates) on privacy guarantees; conducting a comparative analysis of legal approaches to video surveillance regulation in the EU, the USA, and Asia; and formulating recommendations for the integrated use of security technologies and the protection of citizens’ rights.

Materials and Methods

The methodological foundation of this research was an interdisciplinary approach that combined legal, socio-technical, comparative, analytical and systems analysis methods. The systems analysis method was employed to examine AI-based video surveillance systems as comprehensive cyber-physical entities comprising technical, informational, organisational, and legal components. This method facilitated the structuring of the analysis of system functionalities (e.g., event detection, intelligent video analytics, facial recognition), and the assessment of their effectiveness

in urban safety environments. The central research method was normative legal analysis, which enabled the identification of regulatory frameworks governing surveillance systems in different jurisdictions. This method was applied to the examination of key legal instruments, including the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the Personal Information Protection Law (2021), the Privacy Act (1974), and the CLOUD Act Resources (2019). These sources were scrutinised in terms of their regulation of biometric data processing, requirements for video surveillance, the rights of individuals, and oversight of public and private entities processing personal data. The comparative legal method was used to contrast national approaches to the regulation of AI-based surveillance systems. Comparisons were based on the following criteria: the presence or absence of core legislation or a regulatory code; the extent of privacy protection; conditions for data collection, processing, and storage; data subject rights safeguards; oversight and monitoring mechanisms; specific regulations on video surveillance; and examples of practical implementation. The case study method was applied to analyse concrete examples of AI-enhanced video surveillance implementation in the USA, China, and the UK. The study examined three specific cases of AI surveillance for public safety: facial recognition in Los Angeles (Team DigitalDefynd, 2025), optimisation of the 911 emergency response system in New York City, and the Flock Safety vehicle tracking system (Valentino, 2025). These cases were analysed using comparative methods to identify shared trends, quantitative evaluation of effectiveness statistics, and qualitative analysis of regulatory documents. Functional analysis was used to explore the operational aspects of AI surveillance systems (facial recognition, behavioural analysis, predictive analytics) and the interaction of these functionalities with legal norms. The

study assessed whether national legislation provides adequate control over these capabilities and whether human rights compliance mechanisms are embedded in the technology (data protection impact assessments, data retention limits, algorithmic explainability requirements, etc.).

Results

Deployment of intelligent video surveillance systems: Assessing opportunities for public safety. In the context of rapid technological advancement, AI is transforming approaches to public safety. One of the most important tools in this process is the deployment of AI-based video surveillance systems. These systems combine artificial intelligence, computer vision, automated event detection, and intelligent video analytics, forming complex monitoring infrastructures capable of real-time data analysis and immediate threat identification. AI video surveillance systems involve the use of machine learning algorithms to process video data for the purpose of detecting and classifying objects, events, or anomalies without the need for direct human intervention (Sung & Park, 2021). Computer vision is a core component of these systems, enabling machines to recognise patterns, analyse video streams, and identify objects such as faces, vehicles, or behavioural patterns. Advances in computer vision have significantly enhanced the ability of surveillance systems to perform accurate facial and biometric recognition, improving the efficacy of preventive measures. Automated event detection allows AI systems to identify unusual or hazardous situations, such as unattended objects in public spaces, crowd congestion, aggressive behaviour, or unauthorised access (Ameen & Stone, 2023). This enables prompt responses to potential threats, eliminating delays associated with human operators. Intelligent video analytics further extend the functionality of these systems by providing risk prediction, crowd behaviour analysis, suspicious

activity detection, and the integration of data from various sources to form a comprehensive security picture (El-Alfy *et al.*, 2023).

These technologies are being actively implemented to enhance public safety. According to a study by M.E. Antunes (2019), 84% of cities (54 cities) implementing Smart City strategies utilise video surveillance systems with facial and biometric recognition capabilities. This significantly increases the effectiveness of criminal suspect tracking, locating missing persons, and securing access to critical infrastructure. Moreover, 46% of cities use drones and aerial surveillance systems for wide-area monitoring and rapid incident response, while 39% of municipalities employ gunshot detection sensors and mobile applications that allow citizens to report suspicious activities or threats.

The application of AI in public safety systems in the USA, China, and European countries demonstrates notable progress in the integration of AI solutions into municipal structures such as police forces, transport networks, educational institutions, and public spaces. In the USA, the Department of Homeland Security, under the leadership of Secretary Alejandro N. Mayorkas, actively deploys AI to combat illicit fentanyl trafficking, safeguard critical infrastructure, and prevent child exploitation. The DHS has introduced an updated AI solutions registry that exceeds the federal OMB M-24-10 standards (Hysen, 2024), exemplifying a transparent and accountable approach. In London, the police employ AI-driven VR simulations to train officers, enhancing their preparedness for high-stress scenarios, although these systems require oversight due to risks of psychological strain and algorithmic bias (Team DigitalDefynd, 2025). These examples illustrate the delicate balance between innovation and ethics in applying AI to public safety. In China, the development of “smart cities” entails the widespread use of video surveillance, facial recognition,

and behavioural analysis in public areas. Comprehensive AI solutions are integrated into transport infrastructure, municipal services, and educational institutions, forming real-time safety networks. The Chinese model is characterised by the large-scale collection of data and extensive use of biometric technologies for monitoring both criminal and administrative violations.

One of the key indicators of the effectiveness of AI technologies is a significant reduction in crime rates. According to analytical data from 2019, the implementation of video surveillance systems with automatic event detection and intelligent video analytics can reduce crime by 30-40% (Antunes, 2019). Another important outcome of AI implementation in the security sector is the accelerated response time of emergency services. Data indicate that AI technologies can shorten the response time of rescue, police, and medical services by 20-35%. Through the use of automated video footage analysis and sensor data, AI systems enable rapid incident detection and precise localisation, significantly optimising resource coordination and facilitating timely responses to emergencies.

AI-powered video surveillance is used not only for detecting crimes but also for threat prediction through the analysis of criminogenic data (Kosinski, 2021). In road traffic, such systems automatically detect violations and alert emergency services, while in fire safety they ensure early smoke detection (Team DigitalDefynd, 2025). Facial recognition and classification technologies (FR/FC), which constitute half of all systems, require rigorous testing to ensure compliance with human rights standards (Hysen, 2024). In Chicago, the Strategic Subject List (SSL) predictive patrol system analyses social media and sensor data to reduce crime in key areas. These examples illustrate the balance between the efficiency of AI and the protection of civil liberties. The role of AI-powered surveillance systems in enhancing safety

within public institutions is becoming increasingly significant in today's context. The application of AI-based video surveillance across various domains is summarised in Table 1.

Table 1. The role of AI video surveillance systems in different areas

Area of application	Role and functional capabilities of AI-based video surveillance systems	Additional benefits and application features
Schools and educational institutions	Preventive monitoring to avert acts of violence, vandalism, and bullying. Detection of dangerous objects (weapons, prohibited items), identification of suspicious behaviour among students and visitors. Integration with records of past violations for developing preventive measures	Enhanced safety for students and staff. Creation of a secure educational environment. Reduction in critical incidents through early risk detection
Airports	Monitoring passenger behaviour, detecting unattended items, facial recognition of individuals posing potential threats. Integration with security systems for automated alerts and action coordination	Optimisation of evacuation procedures and passenger flow management. Enhanced transportation security without slowing down passenger movement
Public parks and open spaces	Prevention of theft, vandalism, and attacks on visitors. Real-time detection of suspicious behaviour. Monitoring compliance with environmental regulations (e.g., illegal waste disposal, damage to greenery)	Improved safety in large open areas with minimal physical patrolling. Promotion of environmental cleanliness in public spaces
Homeless shelters and crisis centres	Protection of residents from violence and disorder. Detection of emergencies (e.g., suicide attempts, aggressive behaviour) with integration into rapid response systems	Increased protection for vulnerable population groups. Timely incident response and provision of necessary assistance
Libraries, municipal offices, sports facilities, cultural centres	Prevention of property theft, monitoring public order during mass events, access control to premises. Customisation of system algorithms to local institutional conditions	Improved efficiency of security measures without excessive intrusion into visitors' privacy. Flexibility and personalisation of system settings according to the facility's specifics

Source: compiled by the authors based on N. Sugianto (2021), V. Karishma and T. Vigneswaran (2023), M. Sujkowski *et al.* (2023)

The advancement of AI technologies in video surveillance systems has led to a qualitative leap in ensuring the safety of public spaces (Sugianto *et al.*, 2024). Surveillance has evolved from passive event recording to active analytical response, allowing not only the detection of violations but also the early prediction of potential threats. The implementation of such systems facilitates more efficient allocation of security resources, reduces social tension in crisis situations, and enhances public trust in safety infrastructure.

Legal and ethical challenges of AI-powered video surveillance. The legal and ethical challenges posed by AI-powered video surveillance remain among the most pressing issues at the intersection of digital technology, human rights, and

security. On the one hand, AI-based systems have proven highly effective in detecting, preventing, and investigating offences, thereby stimulating increased interest from both governments and the private sector in their widespread deployment. On the other hand, such technologies significantly affect the exercise of fundamental rights and freedoms, particularly with respect to privacy, personal autonomy, the protection of personal data, and the right to non-discrimination. In many countries, current legislation has proved ill-equipped to deal with the new realities shaped by AI and mass surveillance. Legal frameworks often fail to keep pace with technological development, leaving significant regulatory gaps that could potentially lead to violations of fundamental human rights.

In the United States, despite the foundational status of the right to privacy enshrined in the Fourth Amendment to the Constitution of the United States (1787), legislation in the field of video surveillance remains fragmented. The absence of a single federal law regulating the processing of biometric and other personal data allows private companies to collect, store, and use video and audio information without clearly defined limits or obligations. Furthermore, the “right to be forgotten” – actively protected in EU countries – has no legal basis in the US, depriving citizens of meaningful control over their digital footprint. These conditions create potential risks of abuse, discrimination, and arbitrary surveillance. The principle of legal certainty – one of the cornerstones of the rule of law – is undermined, as individuals are unable to predict how, by whom, and for what purposes their data will be processed.

China represents the opposite regulatory model. While the Personal Information Protection Law (2021) is formally aimed at limiting the collection and use of personal data, in practice it does not provide effective mechanisms for the protection of citizens’ rights. In a centralised political system where state security takes precedence over individual rights, AI-enhanced video surveillance technologies are used for comprehensive population monitoring. Government authorities have near-unlimited access to surveillance cameras, and systems such as “Skynet” (Baek, 2024) track individuals’ movements in real time, employ facial recognition, and process massive volumes of data without any requirement for informing or obtaining consent from citizens. As such, the Chinese regulatory framework does not function as a safeguard but instead legitimises expanded state powers in the domain of digital surveillance.

The European Union offers an alternative model, grounded in the primacy of human rights as a foundational principle of digital transformation. The General Data Protection Regulation (2016)

sets high standards of transparency, accountability, and proportionality in the use of personal data. Under the GDPR, organisations are obliged to conduct a Data Protection Impact Assessment (DPIA) prior to implementing surveillance systems that may pose a high risk to privacy (Andrew & Baker, 2021). The primary aim of the DPIA is to identify, prevent, or mitigate violations of citizens’ rights. Within the framework of Council of Europe law, the protection of private life has also been significantly reinforced, particularly through the case law of the European Court of Human Rights interpreting Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (1950). This jurisprudence establishes the obligation of states not only to avoid unlawful interference but also to ensure effective oversight of data processing by third parties, including private companies. Nonetheless, even within the EU, new challenges have emerged in connection with automated decision-making, algorithmic opacity, and the complexity of technical evaluation by judicial authorities. In response, the draft European AI Act proposes a classification of AI systems by risk level. High-risk technologies – such as AI-based video surveillance – must meet strict technical, ethical, and legal standards, including requirements for transparency, data quality, anti-discrimination safeguards, and human involvement in decision-making processes.

In numerous jurisdictions, inconsistencies exist between legal provisions on privacy, surveillance, cybersecurity, and AI usage. This can result in situations where the use of a particular technology – such as AI-powered surveillance – complies with one legal act but contradicts another. For example, within the EU, despite the harmonised framework provided by the GDPR, national approaches to implementing its provisions vary (Atkinson *et al.*, 2021). In France, the Commission Nationale Informatique & Libertés has prohibited the use of real-time facial recognition in

public spaces, whereas other EU countries maintain less stringent restrictions (Poirson, 2021). In Germany, even the use of experimental video surveillance systems by the police remains limited (Tóth, 2023). These disparities illustrate the need for further harmonisation within the European legal space. A comparative analysis of legal frameworks in the area of video surveillance reveals two global models: the European model, prioritising human rights, stability, and control over technological development; and the Asian-American model, characterised by corporate freedom in the US and state control in China. The choice of model has a direct impact on the legal architecture of society, the level of privacy protection, and the transparency of digital surveillance tools.

In Los Angeles, an extensive network of cameras equipped with facial recognition and behaviour analysis technologies has been implemented to detect suspicious activity in real time. The system automatically alerts law enforcement to potential threats, such as unattended items or the presence of individuals with criminal records. Despite improved response efficiency, the use of such technologies has raised serious public concern regarding the risks of mass surveillance and racial bias in the processes of recognition and categorisation (Team DigitalDefynd, 2025). The practice of automated profiling and the real possibility of recognition errors may result in unlawful intrusions into citizens' private lives and discriminatory outcomes.

A particularly illustrative case occurred on February 19 involving the Flock Safety system, which uses AI to detect stolen vehicles. The system identified a stolen Jeep, prompting a police patrol to initiate a pursuit and apprehend the suspect. This incident demonstrated the high efficiency of AI in combating crime; however, it simultaneously intensified public debate regarding the right to privacy. Human rights organisations have emphasised that the mass capture of license plates of all vehicles – regardless of whether they

are connected to any offenses – constitutes a serious intrusion into citizens' private lives. In the city of Oakland alone, 289 such cameras have already been installed, with the number expected to rise to 400 by the summer. Representatives of the American Civil Liberties Union (ACLU) have regarded such measures as steps toward total surveillance, arguing that the systems track the movements of ordinary citizens without their consent (Valentino, 2025). Despite police assurances that the collected data is retained for only 30 days and used exclusively for crime prevention, experts warn of potential abuses, particularly the use of such data to create citizen profiles or for purposes beyond those originally declared.

The fragmented nature of legal regulation in the United States lies in the absence of a unified, nationwide act that would standardise the protection of personal data. Instead, various laws adopted at the state level apply, resulting in an uneven legal landscape where citizens' rights depend on their place of residence or even the location where the data was collected. For example, the California Consumer Privacy Act (2018) grants state residents the right to know what data is collected about them and to request its deletion (Kaminski *et al.*, 2021). In contrast, states such as Texas and Georgia either lack such legislation or offer significantly lower levels of protection. This creates a situation where the same company operating across multiple states must comply with different standards depending on the jurisdiction, and citizens effectively have unequal levels of rights and privacy guarantees.

This fragmentation also poses serious challenges to the implementation of the principle of legal certainty. Companies may intentionally locate their servers or data processing centres in jurisdictions with less stringent privacy requirements to avoid stricter regulations, such as those in California or Illinois (where the Biometric Information Privacy Act applies). In the field of video

surveillance, this results in the practical possibility of using facial recognition systems in public spaces without informing citizens or obtaining their consent – actions that may be legal in some states but illegal in others. This complicates judicial practice, undermines the principle of equality before the law, and opens the door to potential abuses. In such an environment, both users and public authorities often struggle to define clear legal boundaries or protection mechanisms, which significantly weakens the effectiveness of law enforcement and erodes trust in digital technologies at the national level.

The principle of legal certainty requires clarity and stability of legal norms to ensure predictable law enforcement. In the context of video surveillance, a notable example of legal uncertainty is the ambiguous application of the so-called “right to be forgotten” across jurisdictions. While this right is enshrined in Article 17 of the EU’s GDPR (2016), there is no equivalent legal mechanism in the United States. As a result, American citizens are deprived of the opportunity to seek the deletion of information that may harm their reputation or privacy – an especially critical issue amid the proliferation of automated surveillance systems.

In countries undergoing legal transformation – such as Ukraine and several post-Soviet states – there is a noticeable discrepancy between the provisions of national legislation and the obligations assumed under international law. Ukraine is a party to the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and recognises the jurisdiction of the European Court of Human Rights (ECtHR), whose case law is binding. This is particularly relevant to compliance with Article 8 of the Convention, which guarantees the right to respect for private and family life, home, and correspondence. The ECtHR has repeatedly emphasised that state interference in private life is permissible only when it is lawful, necessary, and proportionate.

Nevertheless, Ukrainian national legislation regarding the implementation of video surveillance technologies – particularly those involving AI and facial recognition – does not contain explicit requirements for prior human rights impact assessments. This approach is inconsistent with the GDPR (2016), which mandates the use of Data Protection Impact Assessments (DPIAs) when technologies are likely to pose a high risk to fundamental rights and freedoms (Andrew & Baker, 2021). The absence of such procedures in Ukrainian law indicates a lack of alignment with European data protection standards and potentially violates Article 8 of the Convention, which, according to ECtHR jurisprudence, also applies to digital surveillance. Furthermore, the lack of regulation – or excessive generality – in provisions governing the use of surveillance systems creates conditions for their disproportionate and non-transparent application. For instance, deploying facial recognition cameras in public spaces without adequate legal justification and effective oversight mechanisms may constitute excessive intrusion into private life. Such practices contradict European standards, which require that any surveillance technology be grounded in law, have clearly defined boundaries of use, and be subject to independent oversight. As a result, a conflict arises between a state’s declared international obligations and the actual state of their implementation in the national legal system.

Given the findings regarding public attitudes toward AI-based surveillance systems and the identified need for legal clarity, trust, and transparency, a set of scientifically grounded recommendations is warranted at both legislative and practical levels. First and foremost, it is necessary to adopt a unified national act regulating the use of AI systems in the field of security, in light of current technological challenges. Unlike the EU, the United States lacks a comprehensive federal data protection law equivalent to the General Data Protection

Regulation (2016). Currently, only regional acts exist, most notably the California Consumer Privacy Act (2018), which, while providing basic rights, does not fully regulate the use of biometric data.

It would be advisable to expand the provisions of the California Consumer Privacy Act (2018) – particularly in the section on the collection and processing of personal information (§1798.100-1798.115) – by introducing a clause requiring mandatory notification of individuals when AI-based identification is conducted in public spaces. Such notifications should include the authority conducting the surveillance and the purposes of data collection. It would also be appropriate to amend §1798.105 of the CCPA concerning the right to data deletion, by introducing a specific subcategory: “biometric images obtained through automated video surveillance,” which must be destroyed after a clearly defined period (e.g., 30 days), unless there is a lawful basis for retention. Additionally, it is crucial to introduce a provision establishing the right to algorithmic appeal, similar to Article 22 of the GDPR (2016), which prohibits decisions based solely on automated processing when such decisions may have significant legal effects. This provision should be implemented either as a new paragraph within the California Consumer Privacy Act or as a separate clause in a forthcoming national act.

In terms of practical implementation, it is particularly important to strengthen the institutional oversight mechanisms for AI systems. An effective example is the AI Ethics Board initiative in New York, which holds advisory powers concerning the deployment of new video analytics systems. Such an approach enhances transparency and fosters social dialogue. It is recommended to extend a similar model at the federal level, with expanded authority. Attention should also be paid to the EU’s experience, particularly the AI Act project, in which biometric surveillance systems were for the first time classified as high-risk and

permitted only in exceptional cases. Based on this, it is recommended that AI-powered video surveillance be designated as a “high risk” to human rights, requiring additional legal review prior to the launch of each specific system. This provision should be made mandatory in national legislation. To ensure transparency and accountability, the following measures are recommended: the introduction of a unified online registry of AI video surveillance systems indicating their location, owning authority, data collection purposes, and data retention policy; and the requirement for system providers to develop and publish “ethical passports” of algorithms – a concise description of decision-making logic, associated risks, and safeguards. To ensure the social legitimisation of AI systems, it is proposed that educational curricula include dedicated modules on digital ethics and user rights, aimed at fostering critical awareness among citizens regarding AI technologies.

Discussion

The present study, devoted to modern approaches to ensuring public safety in smart cities through AI-based video surveillance systems, demonstrates both technical advancements in this field and the need for ethical reflection on their implementation. In comparison to other contemporary scholarly works, the findings of this study allow the identification of key commonalities and differences in the emphases, approaches, and challenges associated with integrating intelligent surveillance systems into urban environments. The results obtained should be considered within the context of the current academic discourse on surveillance systems in smart cities, where three major vectors dominate: technological efficiency, socio-humanitarian implications, and the pursuit of ethical balance. In this context, it is pertinent to compare the present article with the works of other researchers, which reveals similarities and distinctions in approaches to balancing public

safety and civil rights under AI-driven surveillance. The study by M. Cabanillas-Carbonell *et al.* (2025) outlined the boundaries of effective AI use in the security domain, with particular emphasis on human rights protection. The authors highlighted the importance of legal support, the implementation of Data Protection Impact Assessments (DPIAs), reduced data retention periods, and algorithmic transparency. Both approaches recognised the need to balance technological potential with ethical standards. However, M. Cabanillas-Carbonell *et al.* (2025) adopted a strategic orientation towards global sustainable development goals, while the present study shifted the emphasis toward regional contexts (EU, USA, China) and practical regulatory solutions (e.g., the AI Act model).

The comparison of research findings enables a deeper evaluation of each study's unique contribution to the discourse on AI in surveillance. The study by W. Ullah *et al.* (2022) underscored the effectiveness of AI technologies in post-conflict stabilisation, focusing on responsiveness, analytical accuracy, and the ability of AI to ensure basic security. In contrast, the current study developed a vision of the necessity for democratic oversight accompanying technological advancement. The emphasis was placed on trust-building mechanisms – independent oversight, digital ethics, and algorithmic accountability – thus extending author's narrowly utilitarian approach towards legal and ethical considerations.

The research by C. Fontes *et al.* (2022) produced a three-component analytical model for assessing AI's societal impact – functional, legal, and social. The authors demonstrated that public perception of AI systems is largely shaped by a sense of state control and fear of privacy intrusion. Comparatively, the current study concluded on the need for regulatory institutionalisation of trust. The proposal for “ethical passports” for technologies emerged as an attempt to develop

regulatory tools capable of transforming technical transparency into measurable legal and social responsibility. Thus, while C. Fontes *et al.* (2022) results were analytical in nature, the current study takes a normative and applied approach. In the study by M. Kashef *et al.* (2021), the findings were conceptualised as a transition from centralised, technically closed surveillance systems to open, socio-technical ecosystems. The authors highlighted the importance of decentralisation, public engagement, and open-source code as foundations for increasing public trust. In contrast, the present study resulted in a specific architectural-analytical approach implemented through flexible systems embedded with control mechanisms, legal adaptation, and accountability monitoring. While M. Kashef *et al.* (2021) focused on politico-social models of transformation, this analysis takes an applied, design-oriented approach prioritising human rights compliance in high-tech surveillance contexts.

The work by B.R. Ardabili *et al.* (2022) centred on ensuring user privacy in smart surveillance systems. This study proposed a unique approach to mitigating the risk of personal data exposure via pose-oriented algorithms. This approach fundamentally differed from the methods examined in the present article, which predominantly involved traditional deep learning techniques aimed at enhancing recognition accuracy and behaviour analysis. In contrast, B.R. Ardabili *et al.* (2022) demonstrated a trade-off between privacy protection and analytical efficiency: anomaly detection accuracy significantly declined due to the avoidance of pixel-based image analysis. Hence, the publication highlighted the ambivalence of technological choices – high accuracy does not always align with ethical priorities regarding confidentiality. Meanwhile, the present study proposed a combination of recognition accuracy with a conceptual analysis of legal and ethical boundaries, preserving the balance between

technological efficiency and social responsibility. A comparison with the study by I. Ahmed and G. Jeon (2021) demonstrated that their research was primarily focused on improving real-time tracking and segmentation algorithms, particularly in densely populated environments. The proposed system, based on the SiamMask algorithm, achieved high accuracy even under challenging surveillance conditions, which is especially relevant to urban settings. In contrast to this technocratic approach, the present study placed emphasis on integrating infrastructural solutions with the needs of civil society, including a risk assessment of human rights implications. While the technical advantages reported by I. Ahmed and G. Jeon (2021) – such as 95% accuracy and high adaptability – were of considerable practical value, they remained within the engineering paradigm. Conversely, the analysed article emphasised that in the context of post-crisis urban recovery, priority should be given not only to efficiency but also to the social legitimacy of deploying such technologies, thus offering a more holistic perspective.

The work of D. Çelikkaya (2024) focused on ethical challenges arising from the integration of AI into criminal justice systems within the EU. Convergence with the present research was found in the shared focus on human rights protection, algorithmic accountability, and the need to maintain human oversight over AI-based decision-making. D. Çelikkaya's (2024) study adopted a normative-ethical approach, seeking to develop universal principles for AI in justice systems, without placing particular emphasis on public perception. The concept of "trustworthy AI", as presented by N. Díaz-Rodríguez *et al.* (2023), showed considerable alignment with the conclusions of the primary analysis. Both studies stressed the importance of transparency, fairness, accountability, and data protection, while calling for robust oversight mechanisms. A distinctive feature of author's approach was the systematic

structuring of ethical requirements through the triadic lens of legality, ethicality, and technical robustness, which complemented the practical focus of the present study on instruments such as "ethical passports" and regulatory frameworks like the AI Act. As such, both approaches reinforced the necessity for regulated and transparent AI development that addresses a broad range of ethical concerns.

The study by S. Doboş and V. Bagrin (2024) also addressed the dilemma between privacy and security; however, their analysis adopted a more journalistic and discursive tone, concentrating on the societal and legal implications of mass surveillance. A commonality with the present research lay in recognising the dangers of authoritarian misuse of surveillance technologies. However, unlike the systemic approach that proposed concrete legal and technological mechanisms for transparent video surveillance systems, S. Doboş and V. Bagrin's (2024) work largely remained at the level of identifying risks and advocating for further discussion on the limits of oversight, without offering operational models for balancing competing interests. The analysis by K. Nishat (2024) strongly resonated with the present study's findings, particularly in the critique of mass data collection, the opacity of algorithmic processes, and the threat to fundamental rights. Both studies shared a commitment to formulating rights-based policies, prioritising privacy protection and openness. Yet, while K. Nishat (2024) focused on the limitations of existing legal frameworks – such as the General Data Protection Regulation and the International Covenant on Civil and Political Rights – in addressing new digital realities, the present study was enhanced by empirical survey data that reflected actual public sentiment regarding video surveillance, thereby increasing the empirical validity of its conclusions. All of the studies under comparison recognised that the effective deployment of AI in the security domain

must strictly observe human rights, algorithmic transparency, and democratic oversight. Nonetheless, they varied in analytical focus – from legal analysis to socio-political consequences – and in methodology, ranging from conceptual models and ethical theorising to empirical surveys.

The present work proposed a unique combination of interdisciplinary analysis (legal and technical) and practical recommendations, enabling the clear delineation of conditions under which AI-based surveillance systems may be deemed legitimate and socially acceptable. In summary, the comparative analysis revealed substantial interdisciplinary convergence in acknowledging the ethical boundaries and legal requirements for safe AI surveillance development. However, only the present study incorporated direct examination of societal reactions to these processes, representing a key methodological and practical advantage.

Conclusions

The findings of the study demonstrate that AI-based video analytics systems are fundamentally reshaping the relationships between the state, the private sector, and citizens, particularly in relation to the right to privacy, freedom of movement, and the protection of personal data. The most significant threat lies in the mass and often disproportionate collection of biometric information, automated facial recognition in public spaces, and behavioural profiling, which frequently occur without individuals' informed awareness or consent. Such practices violate the principle of voluntariness in the processing of personal data, as enshrined in both international law and national legislation – for example, Article 8 of the European Convention on Human Rights and the provisions on consent in the General Data Protection Regulation. Particular concern arises from the fact that the deployment of AI video analytics is occurring in the absence of an adequate regulatory framework or within highly fragmented legal environments. In many

countries, including the United States and a number of post-Soviet states, legal norms remain scattered, inconsistent, or technologically outdated, preventing effective safeguards against abuse. The research identified cases of prolonged storage of video data, its secondary use without proper legal justification, and the risks of selective surveillance targeting vulnerable population groups. These developments pose risks of algorithmic discrimination, distortion of justice, increased inequality, and erosion of public trust in the institutions deploying such technologies. The analysis revealed several critical challenges: lack of algorithmic transparency, insufficient independent oversight, and inconsistent or vague regulatory mechanisms.

To reconcile security needs with privacy rights, a number of practical solutions are proposed. First, biometric systems should be classified as “high-risk,” subject to enhanced scrutiny prior to deployment. Second, mechanisms for algorithmic appeals against AI decisions should be developed, in line with Article 22 of the GDPR. The experience of systems like Flock Safety (which has reportedly reduced car theft by 40%) illustrates their effectiveness but also underscores the need for clear limitations on data retention. Equally important is the creation of unified registers of AI systems, indicating their locations, purposes, and data retention policies. Special attention should be given to public education initiatives, as only 19% of citizens are sufficiently informed about the operational principles of such systems. The future of AI-powered video surveillance should be based on four key pillars: technical transparency, legal regulation, institutional oversight, and public dialogue. Evidence shows that technological progress without adequate human rights safeguards leads to distrust and social tension. At the same time, excessive restrictions may reduce the effectiveness of law enforcement. Resolving this dilemma requires sustained dialogue among developers, regulators, human rights advocates, and the public,

as well as flexible regulation capable of adapting to the rapid pace of technological development. Only such a comprehensive approach can unlock the potential of AI video surveillance while preserving democratic values and fundamental rights.

Access to data on the actual effectiveness of AI-based surveillance is limited due to commercial confidentiality and the classified nature of law enforcement operations, which may affect the objectivity of the analysis. Additionally, the sociological surveys were conducted primarily among residents of California, meaning that the findings may not fully reflect the situation in other regions with differing legal and cultural contexts. A promising direction lies in interdisciplinary research that combines technical analysis of AI algorithms

with in-depth study of the social consequences of their deployment across various cultural environments. The implementation of pilot projects in “electronic democracy,” where citizens participate in shaping surveillance policies via digital platforms, may represent a new phase in the pursuit of a balance between security and freedom.

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Conflict of Interest

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References

- [1] Ahmed, I., & Jeon, G. (2021). A real-time person tracking system based on SiamMask network for intelligent video surveillance. *Journal of Real-Time Image Processing*, 18(5), 1803-1814. doi: [10.1007/s11554-021-01144-5](https://doi.org/10.1007/s11554-021-01144-5).
- [2] Almeida, D., Shmarko, K., & Lomas, E. (2022). The ethics of facial recognition technologies, surveillance, and accountability in an age of artificial intelligence: A comparative analysis of US, EU, and UK regulatory frameworks. *AI and Ethics*, 2(3), 377-387. doi: [10.1007/s43681-021-00077-w](https://doi.org/10.1007/s43681-021-00077-w).
- [3] Ameen, M., & Stone, R. (2023). Advancements in crowd-monitoring system: A comprehensive analysis of systematic approaches and automation algorithms: State-of-the-art. *arXiv*. doi: [10.48550/arXiv.2308.03907](https://doi.org/10.48550/arXiv.2308.03907).
- [4] Anderljung, M., et al. (2023). Frontier AI regulation: Managing emerging risks to public safety. *arXiv*. doi: [10.48550/arXiv.2307.03718](https://doi.org/10.48550/arXiv.2307.03718).
- [5] Andrew, J., & Baker, M. (2021). The general data protection regulation in the age of surveillance capitalism. *Journal of Business Ethics*, 168, 565-578. doi: [10.1007/s10551-019-04239-z](https://doi.org/10.1007/s10551-019-04239-z).
- [6] Antunes, M.E. (2019). *Surveillance and predictive policing through AI*. Retrieved from <https://www.deloitte.com/an/en/Industries/government-public/perspectives/urban-future-with-a-purpose/surveillance-and-predictive-policing-through-ai.html?utm>.
- [7] Ardabili, B.R., Pazho, A.D., Noghre, G.A., Neff, C., Bhaskararayuni, S.D., Ravindran, A., Reid, S., & Tabkhi, H. (2023). Understanding policy and technical aspects of ai-enabled smart video surveillance to address public safety. *Computational Urban Science*, 3(1), article number 21. doi: [10.1007/s43762-023-00097-8](https://doi.org/10.1007/s43762-023-00097-8).
- [8] Atkinson, K., Collenette, J., Bench-Capon, T., & Dsehtsiarou, K. (2021). Practical tools from formal models: The ECHR as a case study. In J. Maranhão & A.Z. Wyner (Eds.), *Proceedings of the eighteenth international conference on artificial intelligence and law* (pp. 170-174). New York: Association for Computing Machinery. doi: [10.1145/3462757.3466095](https://doi.org/10.1145/3462757.3466095).

- [9] Baek, D.S. (2024). *Skynet project in China – the rise of ubiquitous surveillance*. Retrieved from <https://medium.com/@davidsehyeonbaek/skynet-project-in-china-the-rise-of-ubiquitous-surveillance-33fee53c350e>.
- [10] Cabanillas-Carbonell, M., Rivera, J.S., & Muñoz, J.S. (2025). Artificial intelligence in video surveillance systems for suspicious activity detection and incident response: A systematic literature. *Advances in Science and Technology Research Journal*, 19(3), 389-405. doi: 10.12913/22998624/196795.
- [11] California Consumer Privacy Act. (2018, June). Retrieved from <https://oag.ca.gov/privacy/ccpa>.
- [12] Çelikkaya, D. (2024). *Ethical concerns of artificial intelligence use in the criminal justice system under EU law*. Istanbul: Marmara Universitesi.
- [13] CLOUD Act Resources. (2019, April). Retrieved from <https://www.justice.gov/criminal/cloud-act-resources>.
- [14] Constitution of the United States. (1787, September). Retrieved from <https://constitution.congress.gov/constitution/amendment-4/>.
- [15] Convention for the Protection of Human Rights and Fundamental Freedoms. (1950, November). Retrieved from <https://www.echr.coe.int/european-convention-on-human-rights>.
- [16] Díaz-Rodríguez, N., Del Ser, J., Coeckelbergh, M., de Prado, M.L., Herrera-Viedma, E., & Herrera, F. (2023). Connecting the dots in trustworthy Artificial Intelligence: From AI principles, ethics, and key requirements to responsible AI systems and regulation. *Information Fusion*, 99, article number 101896. doi: 10.1016/j.inffus.2023.101896.
- [17] Doboş, S., & Bagrin, V. (2024). *The balance between privacy and safety: The ethics of public video surveillance*. In *Technical-scientific conference of students, master and PhD students* (pp. 805-809). Chisinau: Tehnica-UTM.
- [18] El-Alfy, E.-S., Bebis, G., & Zhou, M. (2023). *Intelligent image and video analytics*. London: CRC Press.
- [19] Fontes, C., Hohma, E., Corrigan, C.C., & Lütge, C. (2022). AI-powered public surveillance systems: why we (might) need them and how we want them. *Technology in Society*, 71, article number 102137. doi: 10.1016/j.techsoc.2022.102137.
- [20] General Data Protection Regulation. (2016, May). Retrieved from <https://gdpr-info.eu>.
- [21] Habbal, A., Ali, M.K., & Abuzaraida, M.A. (2024). Artificial Intelligence trust, risk and security management (AI trism): Frameworks, applications, challenges and future research directions. *Expert Systems with Applications*, 240, article number 122442. doi: 10.1016/j.eswa.2023.122442.
- [22] Hysen, E. (2024). *AI at DHS: A deep dive into our use case inventory*. Retrieved from <https://www.dhs.gov/archive/news/2024/12/16/ai-dhs-deep-dive-our-use-case-inventory?utm>.
- [23] Kaminski, M.E., Snow, J., Wu, F.T., & Hughes, J. (2021). Symposium: The California consumer privacy act. SSRN. doi: 10.2139/ssrn.3763290.
- [24] Karishma, V.R., & Vigneswaran, T. (2023). Artificial intelligence in video surveillance. In P. Swarnalatha (Ed.), *Handbook of research on deep learning techniques for cloud-based industrial IoT* (pp. 1-17). London: IGI Global. doi: 10.4018/978-1-6684-8098-4.ch001.
- [25] Kashef, M., Visvizi, A., & Troisi, O. (2021). Smart city as a smart service system: Human-computer interaction and smart city surveillance systems. *Computers in Human Behavior*, 124, article number 106923. doi: 10.1016/j.chb.2021.106923.
- [26] Kosinski, M. (2021). Facial recognition technology can expose political orientation from naturalistic facial images. *Scientific Reports*, 11(1), article number 100. doi: 10.1038/s41598-020-79310-1.

- [27] Mantelero, A. (2022). *Beyond data: Human rights, ethical and social impact assessment in AI*. Berlin: Springer Nature. doi: [10.1007/978-94-6265-531-7](https://doi.org/10.1007/978-94-6265-531-7).
- [28] Nishat, K. (2024). [Human rights protections in digital surveillance: Balancing security needs and privacy rights](#). *Mayo Communication Journal*, 1(1), 83-92.
- [29] Personal Information Protection Law of the People's Republic of China. (2021, August). Retrieved from https://www.gov.cn/xinwen/2021-08/20/content_5632486.htm.
- [30] Poirson, C. (2021). The legal regulation of facial recognition. In K. Miller & K. Wendt (Eds.), *The fourth industrial revolution and its impact on ethics: Solving the challenges of the agenda 2030* (pp. 283-302). Cham: Springer. doi: [10.1007/978-3-030-57020-0_21](https://doi.org/10.1007/978-3-030-57020-0_21).
- [31] Privacy Act. (1974, December). Retrieved from <https://www.justice.gov/opcl/privacy-act-1974>.
- [32] Rashid, A.B., & Kausik, A.K. (2024). AI revolutionising industries worldwide: A comprehensive overview of its diverse applications. *Hybrid Advances*, 7, article number 100277. doi: [10.1016/j.hybadv.2024.100277](https://doi.org/10.1016/j.hybadv.2024.100277).
- [33] Ricciardi Celsi, L. (2023). The dilemma of rapid AI advancements: Striking a balance between innovation and regulation by pursuing risk-aware value creation. *Information*, 14(12), article number 645. doi: [10.3390/info14120645](https://doi.org/10.3390/info14120645).
- [34] Şengönül, E., Samet, R., Abu Al-Haija, Q., Alqahtani, A., Alturki, B., & Alsulami, A.A. (2023). An analysis of artificial intelligence techniques in surveillance video anomaly detection: A comprehensive survey. *Applied Sciences*, 13(8), article number 4956. doi: [10.3390/app13084956](https://doi.org/10.3390/app13084956).
- [35] Smith, M., & Miller, S. (2022). The ethical application of biometric facial recognition technology. *AI & Society*, 37(1), 167-175. doi: [10.1007/s00146-021-01199-9](https://doi.org/10.1007/s00146-021-01199-9).
- [36] Sugianto, N. (2021). *Responsible AI for automated analysis of integrated video surveillance in public spaces*. Gold Coast: Griffith University. doi: [10.25904/1912/4371](https://doi.org/10.25904/1912/4371).
- [37] Sugianto, N., Tjondronegoro, D., Stockdale, R., & Yuwono, E.I. (2024). Privacy-preserving AI-enabled video surveillance for social distancing: Responsible design and deployment for public spaces. *Information Technology & People*, 37(2), 998-1022. doi: [10.1108/ITP-07-2020-0534](https://doi.org/10.1108/ITP-07-2020-0534).
- [38] Sujkowski, M., Kozuba, J., Uchroński, P., Banaś, A., Pulit, P., & Gryżewska, L. (2023). Artificial intelligence systems for supporting video surveillance operators at international airport. *Transportation Research Procedia*, 74, 1284-1291. doi: [10.1016/j.trpro.2023.11.273](https://doi.org/10.1016/j.trpro.2023.11.273).
- [39] Sung, C.S., & Park, J.Y. (2021). Design of an intelligent video surveillance system for crime prevention: applying deep learning technology. *Multimedia Tools and Applications*, 80(26), 34297-34309. doi: [10.1007/s11042-021-10809-z](https://doi.org/10.1007/s11042-021-10809-z).
- [40] Team DigitalDefynd. (2025). *AI in public safety – 5 case studies [2025]*. Retrieved from <https://digitaldefynd.com/10/ai-in-public-safety/>.
- [41] Tóth, L. (2023). The evolution of public surveillance systems in Europe. *Magyar Rendészet*, 23(1), 191-204. doi: [10.32577/mr.2023.1.12](https://doi.org/10.32577/mr.2023.1.12).
- [42] Ullah, W., Ullah, A., Hussain, T., Muhammad, K., Heidari, A.A., Del Ser, J., Baik, S.W., & De Albuquerque, V.H. (2022). Artificial Intelligence of Things-assisted two-stream neural network for anomaly detection in surveillance Big Video Data. *Future Generation Computer Systems*, 129, 286-297. doi: [10.1016/j.future.2021.10.033](https://doi.org/10.1016/j.future.2021.10.033).
- [43] Valentino, S. (2025). *CHP uses AI surveillance to arrest Bay Area suspect on Oakland bus*. Retrieved from <https://is.gd/yfvzo0>.

Баланс між громадською безпекою та громадянськими правами: успіхи та виклики систем відеоспостереження на основі ШІ

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Анотація

У сучасному суспільстві безпека набула особливої цінності, що зумовило зростаючу увагу до інтелектуального відеоспостереження. Метою дослідження був системний аналіз сучасних підходів до ШІ-відеоаналітики, включаючи технологічні алгоритми, правові обмеження та соціальні наслідки їх застосування. Методологію становив міждисциплінарний підхід із поєднанням системного, правового, порівняльного, аналітичного аналізу та кейс-стаді. У ході дослідження було проаналізовано функціональні можливості інтелектуальних відеосистем, що ґрунтувалися на машинному та глибокому навчанні. Дослідження виявило, що сучасні системи ШІ-відеоаналітики, попри їхню ефективність у підвищенні безпеки (виявлення загроз, аналіз поведінки), породжували серйозні етико-правові ризики, зокрема порушення приватності та алгоритмічну дискримінацію. Порівняльний правовий аналіз засвідчив значну різницю між моделями регулювання у різних юрисдикціях: європейські системи зосереджуються на захисті приватності, натомість китайська – на превенції загроз. Відеоаналітика з використанням штучного інтелекту суттєво вплинула на право на приватність, зокрема через масовий збір біометричних даних та автоматичне профілювання, що викликало суперечки щодо відповідності міжнародним стандартам, таким як Загальний регламент про захист даних і Конвенція про захист прав людини. Порівняльний аналіз показав різні підходи: у ЄС домінує захист приватності (наприклад, заборона розпізнавання облич у Франції), тоді як у Китаї та США акцент зроблено на безпеку, часто за рахунок прав громадян. Регуляторні виклики включали неузгодженість національних законів із міжнародними нормами, зокрема щодо зберігання даних та алгоритмічної упередженості. Для досягнення балансу запропоновано чіткі юридичні рамки, обмеження строків зберігання даних, незалежний нагляд та «етичні паспорти» алгоритмів, що дозволило б поєднати ефективність технологій із гарантіями прав людини. Рекомендовано уніфікацію стандартів, що враховують як технічні можливості, так і етико-правові норми. Практична цінність полягає у можливості використання результатів для проектування збалансованих ШІ-систем відеоаналітики.

Ключові слова: контроль; правові рамки; алгоритмічна упередженість; політика конфіденційності; запобігання злочинності; суспільна безпека



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Legal aspects of social protection of military personnel in ukraine in the context of modern challenges

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Abstract

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The study is devoted to the legal issues of social protection of military personnel in Ukraine in the context of current challenges, particularly the ongoing military aggression. The main objective of the study was to conduct a comprehensive analysis of the effectiveness of the social protection system for the military, identify key problems of legal regulation and practical implementation of social guarantees. The study used the comparative legal method, systemic analysis and analysis of regulatory legal acts, which identified the main shortcomings of the current legislation and study

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international experience in the field of social protection. The study determined that military personnel are one of the most vulnerable categories of the population facing risks to lives and health. The main challenges that negatively affect their social protection are an imperfect legal framework, fragmented legislation and existing bureaucratic barriers. The study also revealed imperfections in reintegration programmes, which negatively affected the adaptation of veterans in the post-war period. One of the biggest challenges is the lack of funding for social programmes and initiatives. To improve the social protection system, recommendations are made to modernise legislation, including the harmonisation of national norms with international standards, and the introduction of effective mechanisms for payments and benefits. It is also necessary to develop comprehensive programmes for psychological support and vocational rehabilitation of veterans, incorporating specific needs. Ensuring effective social protection of servicemen requires not only legislative reform but also a comprehensive approach to their support at all stages of service and adaptation to civilian life

Keywords: legal regulation; adaptation; reform; psychological support; reintegration; bureaucracy; social guarantees

Introduction

Social protection of military personnel is one of the key components of Ukraine's national security and defence system, which is especially important in the context of Russia's ongoing military aggression. In 2022-2024, Ukraine has significantly revised its approaches to social guarantees for military personnel, for example, according to Resolution of the Cabinet of Ministers of Ukraine No. 168 (2022), a guaranteed monthly payment of 100,000 UAH for direct participation in hostilities. Despite the existing social guarantees, several problems remain unresolved, therefore making a comprehensive study of this issue relevant. The military is one of the most vulnerable categories of the population, as their activities are directly related to constant risks to life and health. In this regard, the state is obliged to ensure an adequate level of social protection, including medical care, rehabilitation, support for military family members, pensions, etc. At the same time, the legal framework regulating social guarantees for servicemen remains fragmented, sometimes contradictory and needs to be improved.

V.I. Teremetskyi and S.H. Kelbya (2024) addressed the imperfection of legal regulation and the need to reform the social protection system. The authors emphasised that despite the extensive system of social guarantees for servicemen, some of them, such as the installation of a land-line, are outdated, while others, such as obtaining a certificate for the purchase of a vehicle, need to be changed given economic realities. The analysis of the legal framework shows significant gaps in the regulatory and legal support for social guarantees for servicemen. A.K. Bazylenko *et al.* (2024) emphasised that the current legislation needs to be modernised to consider modern conditions of service. According to the study, the revision of existing approaches to ensuring the social protection of servicemen is based on the idea of differences in the social protection of servicemen and other able-bodied citizens. As opposed to other employed citizens, military personnel are restricted in certain constitutional rights and freedoms and therefore require specific measures to prevent or reduce the negative impact of certain social factors, such as the lack of other sources of

decent livelihood. V.N. Kononets (2024) analysed the main legal acts on the social protection of servicemen, particularly Law of Ukraine No. 2011-XII (1991), Law of Ukraine No. 2262-XII (1992), and Law of Ukraine No. 3551-XII (1993). Considering the results of the analysis, V.P. Kononets (2024) concluded that the number of legal acts does not guarantee the systematic social protection of servicemen and their families. Aware of the importance of a systematic approach, author recommended the development of mutually agreed and integrated standards and principles for the construction of social protection of servicemen, considering the peculiarities of wartime. The importance of an integrated approach to the provision of social guarantees was also explored by T.V. Shlapko *et al.* (2025), who conducted a comparative analysis of the experience of Ukraine and the UK. According to researchers, the existing system of social protection for servicemen and their families in Ukraine could be improved by introducing a "Social Card of a Serviceman" for simplified access to existing services and benefits. Social protection, especially in the context of military personnel, faces several serious problems that require detailed analysis and solutions. V.V. Kovalskyi (2024) identified four key aspects that complicate the effective functioning of the system, the key one being financial instability. The financing of social programmes for the military is characterised by uncertainty, which is exacerbated by economic crises and political turbulence. This instability undermines the possibility of long-term planning and implementation of effective social initiatives.

Another problem is the lack of legal mechanisms for implementing social guarantees. It is worth noting that there are no clear and effective mechanisms to ensure full implementation of legislative norms in the field of social protection. This leads to the fact that even if relevant laws are in place, their actual implementation remains

problematic. An example of this situation is the delay in the payment of social assistance due to bureaucratic obstacles and the lack of proper control over the implementation of decisions. Even if the legislation provides for timely financial support, in practice it can be delayed due to imperfect procedures for submitting and reviewing applications, as well as insufficient coordination between state agencies.

The adaptation of servicemen and women to civilian life is another relevant and pressing challenge. J.N. Heuer *et al.* (2025) analysed the problems of reintegration of American veterans based on the materials of the US Department of Veterans Affairs. According to authors the key problems of reintegration were the lack of inclusion and interdisciplinary cooperation to ensure such inclusion. The concept of "reculturation" was presented by J.S. Joseph *et al.* (2023), proposing a process of restoring a sense of belonging through the adaptation of military identity to civilian environments, which can reduce stress during the transition to civilian life. Therefore, the adaptation of veterans to civilian life remains an important area that requires both scientific research and the development of social support and mental health programmes. The experience of the UK, the US and other countries can be used to modernise the Ukrainian social protection system for servicemen and their families, which, as of 2025, lacks a systematic and structured approach. The study aimed to conduct a comprehensive analysis of the social protection system for servicemen and women in Ukraine to identify key issues of legal regulation and practical implementation of social guarantees. The achievement of this goal involved solving a range of tasks, including the study of the theoretical foundations of social protection of servicemen, assessment of the effectiveness of existing social protection mechanisms in Ukraine and identification of problematic aspects of their practical implementation.

Materials and Methods

The aim of this paper was achieved through formal legal analysis of documents. The task of the analysis was to examine the key legal acts on social protection of military personnel and their family members. The formal legal analysis covered the following documents: Constitution of Ukraine (1996), Laws of Ukraine No. 2011-XII (1991), No. 2262-XII (1992), No. 2232-XII (1992), No. 3551-XII (1993), No. 1053-IX (2020), Order of the Ministry of Defence of Ukraine No. z1294-14 (2014) and Decree of the Cabinet of Ministers of Ukraine No. 1350-r (2024). The selected legal acts were analysed in terms of social guarantees for servicemen and their families in terms of material compensation, provision of housing or improvement of living conditions, medical treatment and rehabilitation, psychological support, employment and reintegration into civilian society. The selected legal acts were also reviewed in terms of possible conflicts of content, formal, temporal, horizontal and vertical. The formal and legal analysis identified obstacles to ensuring comprehensive social protection of Ukrainian servicemen and women, veterans and their families.

The study was based on the principles of an integrated approach to social protection of certain categories of the population. This approach envisaged a shift from a purely financial focus to meeting the multi-level needs of servicemen and women, veterans and their families at the medical, psychological, educational, professional and other levels. An analysis of reports and analytical materials by the Local Government of Ukraine (2023), the U.K. Ministry of Defence (2022), the Ministry of Veterans Affairs of Ukraine (2025) and the Ukrainian Veterans' Foundation (2024) identified the key challenges faced by Ukrainian servicemen and women and their families.

The international regulatory framework for social guarantees for servicemen and women, veterans and their family members was also studied.

The following documents and frameworks were included in the sample: the War Veterans' Pension Scheme (U.S. Department of Veterans Affairs, 2025), Order 11 Armed Forces Compensation Schemes (U.K. Ministry of Defence, 2022), Vocational Training and Retraining Programmes for Veterans (Department of Veterans Affairs of Australia, 2023), and the Housing Subsidies and Loans Programme (Veterans Affairs Canada, 2025). The method was used to identify strategies for providing social protection to servicemen and women that can be adapted to Ukrainian realities.

Results

The social protection of servicemen is an important component of the national security system, which is aimed at providing material, medical, social and legal guarantees for persons performing military service. The legal nature of social protection is defined as a set of norms and mechanisms that regulate relations between the state and servicemen in exercising their social rights. The basis of legal regulation in Ukraine is the Law of Ukraine No. 2011-XII (1991), which enshrines the state's obligation to provide proper conditions of service and support after its completion. In the context of current challenges, it is necessary to harmonise national legislation with international standards, which will contribute to the creation of an effective system of social guarantees for the military.

Social protection of servicemen is one of the fundamental components of the state policy in the sphere of national security and defence, due to the specifics of military service associated with increased risks to life and health. The theoretical foundations of social protection of this category of persons are based on the general principles of social justice, equality, legality and respect for human rights enshrined in international and national legal acts.

The basis for the legal regulation of social protection of servicemen and women in Ukraine

is the Constitution of Ukraine (1996). Article 17 of the Constitution establishes that the defence of the sovereignty and territorial integrity of Ukraine is the responsibility of the entire Ukrainian people. This provision imposes an obligation on the state to ensure adequate social protection of those who directly perform this constitutional duty of military personnel. The Constitution in Article 46 guarantees citizens the right to social protection, which includes the right to be provided with benefits in case of full, partial or temporary disability, loss of breadwinner, unemployment due to circumstances beyond their control, as well as in old age and other cases provided for by law. This constitutional provision also applies to servicemen, defining the general principles of their social security.

Following the Universal Declaration of Human Rights (1948) and the European Social Charter (1996), states parties are obliged to ensure an adequate level of social protection for all categories of citizens, including members of the armed forces. Adequate social protection includes guarantees of social security, medical care, adequate housing and support in the event of disability or incapacity for work. Special attention is needed for the military, which performs its duties in high-risk conditions, requiring separate social insurance mechanisms and rehabilitation programmes. Ensuring such standards is not only a manifestation of humanism but also an element of national security and public trust in the state. The Law of Ukraine No. 2262-XII (1992) is also of great importance. This law establishes the conditions, norms and procedures for pension provision for military personnel and persons equated to them, as well as their family members. It defines the types of pensions that can be granted to servicemen and women, the procedure for calculating the number of pensions, and the conditions for their re-indexation and payment. The significance of this law cannot be overstated, as it guarantees

servicemen and their families decent financial security after completion of military service.

Theoretical models of social protection for servicemen and women include the concept of a social contract, which involves an exchange between the state and the serviceman or woman: the state guarantees social rights and benefits in exchange for performing military duty (Petrenko, 2021). Another important theoretical paradigm is the social responsibility model, which emphasises the state's obligation to compensate for the risks associated with military service by creating an effective system of social guarantees (Kovalenko, 2020; 2022). Based on these models, the purpose of social protection of servicemen is to provide material support, social and psychological support, professional rehabilitation and guarantees of adaptation to civilian life after completion of service. A similar idea was proposed in a study by M. Shevchenko (2019), which addressed the legal regulation of these aspects, emphasising the need to harmonise national legislation with international standards. Thus, the theoretical foundations of social protection of servicemen are based on a combination of international norms, national legislative provisions and scientific concepts aimed at providing comprehensive support to persons performing military duty to the state.

As of 2025, the main legislative act regulating the social protection of servicemen is the Law of Ukraine No. 3551-XII (1993). However, given the changes in the socio-political situation, there is a need to periodically adapt this legislation to modern realities. Thus, on 4 April 2025, this law was amended once again by the Decree of the Cabinet of Ministers of Ukraine No. 1350-r (2024). These amendments provide for an addition to Article 7 of the Law of Ukraine No. 3551-XII (1993) to clarify the procedure for granting the status of a person with a disability caused by war, delegating the determination of this procedure to the Cabinet of Ministers of Ukraine. This applies to the new

category of persons provided for in paragraph 16 of part two of this article. It also defines the procedure for deprivation of this status. The main content of the amendments is to expand the category of persons entitled to pensions and social guarantees due to participation in activities related to the defence of Ukraine during martial law.

The analysis of the reviewed legal acts identified the main gaps in the legislation on the social protection of servicemen and their families. A significant drawback of the current legislation is the lack of detail and standardisation of the procedure for granting the status of a person with a disability caused by war, which is manifested in the absence of clearly defined procedures and specific deadlines for reviewing documents, delegation of powers to the Cabinet of Ministers of Ukraine and relevant ministries without a clear framework in the law, as well as the lack of a detailed procedure for protecting the rights of applicants in court. The highlighted deficiency exists due to the delegation of the procedure for granting this status to the Cabinet of Ministers of Ukraine, which creates a risk of delays and heterogeneity in the application of the rules in practice. The existing legislation also lacks criteria for the time-frame and procedure for submitting documents, which can lead to different interpretations of the status of servicemen in the field and complicate the implementation of social guarantees. Another notable problem is the inconsistency between legislative acts due to the existence of several basic laws on the status of veterans, pensions, social protection, etc. The existence of several basic laws regulating similar areas leads to duplication, gaps and conflicts. Therefore, there is a need for better integration and harmonisation of existing legal acts. A significant problem with the existing legal framework is the limited categories of people entitled to social guarantees. Despite the expansion of the categories of persons eligible for pensions, the issue of covering other groups of servicemen

and women who have been exposed to risks, such as volunteers and participants in modern military operations without official status, remains. Understanding the complex nature of 21st-century warfare necessitates expanding the category of people who should receive social support.

The analysis of the existing legal framework was also used to identify problems with the implementation of the right to social protection in practice. Such problems include bureaucratic barriers and insufficient awareness of servicemen and women about their rights and opportunities to receive social guarantees. As of 2025, there is also a lack of developed mechanisms for monitoring the implementation of social guarantees, in particular, pensions and medical rehabilitation of servicemen. The study of existing legal acts also indicates the absence of a comprehensive approach to the social protection of servicemen after the end of military service. Existing legislation primarily addresses material support, such as pensions and benefits, while insufficiently addressing the social and psychological rehabilitation, professional adaptation and reintegration of servicemen and women. Reintegration and family support programmes for servicemen and women are isolated and not integrated into a unified system of social assistance and rehabilitation.

In addition to these gaps, the analysis revealed the absence of separate mechanisms for interaction with persons with special needs and new categories of servicemen. Legislation does not always consider the specifics of social protection of servicemen and women who have suffered psychological trauma, including post-traumatic stress disorder (PTSD), or have other implicit but serious consequences of service. For example, Law of Ukraine No. 2011-XII (1991) does not clearly define criteria for PTSD, instead using general terms such as "health condition" or "disability". The Law of Ukraine No. 1053-IX (2020), adopted shortly before the full-scale invasion,

provides a general mechanism for supporting servicemen and women in combat and after demobilisation but does not contain specific provisions for helping servicemen and women with PTSD. There are no sufficient guarantees for persons who participated in the defence of the state but do not formally have the status of a veteran.

One of the important components of social protection is medical care for servicemen and women. According to the Ministry of Veterans Affairs of Ukraine, one of the main challenges facing the medical care system is the shortage of qualified medical personnel (Ministry of Veterans Affairs of Ukraine, 2025). This requires proper regulation by the state and implementation of training and professional development programmes. Improving the working conditions and social protection of servicemen and women serving in the combat zone is also extremely important. The legislation provides for additional guarantees for such persons, including increased payments and the possibility of receiving housing benefits (Ty-moshchuk, 2022; Sydorenko, 2024). The Law of Ukraine No. 3551-XII (1993) provides for various housing benefits, including the right of war veterans and other categories of persons to receive free housing or preferential rental conditions. The law also provides for a 50% allowance for housing and utility costs. Additional benefits are also provided for war veterans with group I disabilities, who are entitled to a monthly pension supplement of 40% of the minimum pension, a 50% discount on utility bills, and financial assistance during holidays. Despite the apparent breadth of these guarantees, they are often tied to the minimum pension, which often does not correspond to real living costs and does not fully account for inflation and utility costs. The amount of irregular holiday payments is insufficient to cover the needs of servicemen and women, especially if they are disabled. Unlike Ukrainian servicemen and women, American veterans receive a pension that is not tied to

the minimum pension alone but is based on an assessment of income and needs (Davlikanova & Oderchenko, 2024). In Canada, there is an individualised approach to the payment of pensions and other types of benefits, which consists of the use of individual benefit calculations depending on the degree of disability and income (Veterans Affairs Canada, 2025). Thus, the existing system of financial support for servicemen women and veterans in Ukraine needs to be revised by utilising international experience.

The situation with social protection of servicemen and women in Ukraine, especially in the context of the ongoing Russian Ukrainian war, requires constant improvement and adaptation to new challenges. The application of best practices that have been successfully implemented in other countries, considering the specifics of the Ukrainian context, is critical to ensuring a decent standard of living and proper adaptation of servicemen and women after service. One of the key aspects is to ensure an adequate level of financial support and compensation. The experience of the United States, which has a complex system of veterans' benefits, including monthly disability compensation, pensions and other types of social assistance, demonstrates the importance of a multi-component approach. An important component of social support for US veterans is the minimum disability compensation, a tax-free monthly payment to veterans with service-connected disabilities, starting at 10% and increasing with the severity of the disability. According to current estimates, the lowest rate for a 10% disability is 376 USD per month (U.S. Department of Veterans Affairs, 2025). Based on the American experience, the Ukrainian system could be improved by introducing a more detailed scale of compensation that would consider not only the degree of disability but also professional skills, lost opportunities and other factors that affect a veteran's ability to provide for themselves. It is

also important to consider the experience of other NATO countries, such as the United Kingdom, which has a system of benefits and social payments for servicemen and women injured in the line of duty (U.K. Ministry of Defence, 2022). The Armed Forces Compensation Scheme (AFCS), which is based on the no-fault principle, is also notable. Servicemen and women are entitled to compensation for injuries or illnesses sustained during service, regardless of whether someone's fault has been proven (U.K. Ministry of Defence, 2022). Also noteworthy is financial support in case of disability, where a guaranteed income payment (GIP) is provided to wounded servicemen and women based on age, rank and military salary at the time of completion of service. For reservists, their civilian income is also considered if it exceeds their military income. At the same time, there are specialised organisations, such as the Royal British Legion, that provide free legal and social support to veterans in the process of receiving compensation and social benefits. In contrast, in Ukraine, social protection for the military is largely based on general social security principles, with a strong focus on state cash payments and benefits for housing, healthcare and transport. There are no comprehensive programmes of adaptation to civilian life, as in the UK.

Another important element is ensuring access to quality medical care and rehabilitation. Israel, which has considerable experience in treating injuries sustained in the combat zone, has developed effective physical and psychological rehabilitation programmes (Levy & Gross, 2024; Shorer *et al.*, 2025). These programmes include the use of modern technologies, such as robotic rehabilitation and virtual reality, as well as psychotherapeutic support to overcome post-traumatic stress disorder (PTSD). In Ukraine, it is necessary to expand the network of rehabilitation centres, provide them with modern equipment and attract qualified specialists. It is necessary to

develop psychological support for military personnel and their families, as PTSD is a common problem among veterans.

In addition to physical and psychological rehabilitation, it is necessary to provide opportunities for retraining and employment. In Australia, for example, there are special vocational training programmes for veterans to help them acquire new skills and find employment after their service (Department of Veterans Affairs, Australia, 2023). These programmes are often developed in cooperation with businesses and are focused on labour market needs. In Ukraine, the importance of employment, vocational training and retraining initiatives for servicemen and women is driven by the high unemployment rate among veterans. According to the Ukrainian Veterans' Foundation (2024), the unemployment rate among Ukrainian veterans in 2024 was 30.95%, which is 3% higher than the previous year. In the attempts to integrate into civilian society, veterans often face stereotypes from employers and limited opportunities for retraining. These restrictions encourage former servicemen and women to start their businesses, which, as of 2024, became the leading source of employment, accounting for 8.31% of veterans. Supporting veterans' initiatives to start a business can be an incentive to reduce unemployment among combat veterans.

Housing is another important aspect of social protection for military personnel. In Canada, for example, there are programmes to provide soft loans and subsidies for veterans to purchase housing (Veterans Affairs Canada, 2024). In Ukraine, the provision of housing for combat veterans is a complex problem that exists at several levels. The amount of state funds of 5.5 billion UAH in 2023 is not sufficient to meet the housing needs of all privileged categories of the population (Local Government of Ukraine, 2023). There is also the problem of storing data on veterans in different registers, such as the Ministry

of Veterans Affairs, the Ministry of Defence and local councils, which leads to queues, duplication or loss of eligibility for benefits. This problem is particularly prevalent among combatants who come from temporarily occupied territories and have to integrate into new communities after completing their military service. Such servicemen and women face legal conflicts that prevent them from obtaining money to build or purchase housing in host communities. These problems can be partially solved through cooperation with international funds, which can become a source of funding for individual projects to provide housing for combatants.

Based on the Ukrainian experience, social protection of servicemen, veterans and their families does not fully meet the existing needs. An analysis of international experience shows that a successful system of social protection for servicemen and women should be multi-component, comprehensive and adapted to the specifics of the country. The application of best practices

that have been successfully implemented in other countries, considering the Ukrainian context, is critical to ensure a decent standard of living and proper adaptation of servicemen and women after service. This requires not only financial resources but also political will, effective legislation and governance, as well as close cooperation between state and non-governmental organisations. Given the current challenges and needs of servicemen and women, there is an urgent need to improve the legislative framework governing their social protection. To ensure a comprehensive approach to this issue, several measures at the legislative level for improving social guarantees, the living standards of the military and their families, and facilitating successful adaptation to civilian life were proposed. An important problem is the inconsistency of regulations between different agencies and levels of government. As a result, there are substantive, formal, temporal, horizontal and vertical conflicts, the key of which are described in Table 1 below.

Table 1. Legal conflicts in ensuring social protection of military personnel and their families

Collision type	Act/regulation	Issue
Contents-oriented	Law of Ukraine No. 2011-XII (1991) (p. 4, Article 16-3)	Restriction of payments to disabled persons of group III, proof of discrimination is unconstitutional.
Formal	Law of Ukraine No. 2011-XII (1991) (par. 12, p. 1, Article 11)	Incompatible food and payment standards require harmonisation
Vertical	Decree of the Cabinet of Ministers of Ukraine No. 1350-r (2024)	Lack of implementation mechanism in local communities
Temporal	Article 37 of the Law of Ukraine No. 2232-XII (1992)	Much of the legislation was adopted before the war and does not fit into new circumstances, such as the occupation of territories, the displacement of military personnel and compensation mechanisms.

Source: compiled by the author.

The table above shows that substantive conflicts are among the most common in the provision of social protection to servicemen. An example of such a conflict is part 4 of Article 16-3 of the Law of Ukraine No. 2011-XII (1991), which limited the payment of one-time financial assistance depending on the time of change of disability group, which contradicted the principles of equality and rights

guaranteed by the Constitution of Ukraine (1996) (Articles 3, 17, 24). The Decision of the Zhytomyr District Administrative Court No. 121323795 in Case No. 240/23885/22. (2024) recognised this provision as discriminatory and unconstitutional. Formal conflicts occur due to different interpretations of norms or “legal conflicts” within the same act or between acts of equal force. For example,

the NACP resolution on military meals in hospitals notes a conflict between Art. 12 paragraph 1 and Art. 11 of Law of Ukraine No. 2011-XII (1991) on the catering unit, and a unified interpretation is needed at the level of the law and bylaws.

Temporal conflicts arise because many legal acts were drafted before the war or martial law and therefore do not fully reflect current realities. For instance, Article 37 of the Law of Ukraine No. 2232-XII (1992) emphasises that servicemen discharged into the reserve are subject to military registration at their place of residence. The quoted legal act, however, does not address the existence of the temporarily occupied territories and the need to reintegrate servicemen into new host communities. No universal algorithm was developed for assessing the condition of housing in the temporarily occupied territories and for awarding compensation for its loss.

Based on the analysis of the existing conflicts in the legislation, ways to overcome them were proposed. The key recommendation was the need to harmonise legislation between ministries. This recommendation is based on the notion of no unified approach between the Ministry of Defence of Ukraine (MoD), the Ministry of Social Policy, the Pension Fund, the Ministry of Veterans, etc. regarding terminology, forms of payments and application mechanisms. The solution to this problem could be the creation of an interagency working group based at the Ministry of Justice with the authority to review all acts regulating the social protection of the military, with the subsequent adoption of a consolidated draft law. An illustration of the need to create an interagency network is the lack of coordination between the MoD and the Pension Fund on the interpretation of the concept of "causal connection of death with participation in hostilities", which can lead to delays in the payment of one-off benefits to the families of the deceased (Ombudsman of Ukraine, 2024). To prevent the recurrence of such situations, it is recommended to

conduct an audit of the agencies with the involvement of the Ombudsman and veterans' organisations. It is also proposed to adopt a unified Code of Social Protection for Servicemen that would unify the procedures for providing social protection.

A step towards effective social protection of servicemen and women would also be the cancellation or amendment of contradictory and discriminatory legal provisions. An example is the recognition of p. 4, Article 16.3 of Law of Ukraine No. 2011-XII (1991), which limited the provision of one-time assistance if the disability group was changed later than one year later, as discriminatory. To reduce the risk of re-application of discriminatory norms, it is recommended to review and automatically bring legislation in line with the decisions of the Constitutional Court and the Supreme Court. This is possible through the revision of all temporal restrictions and the introduction of the *pro persona* principle, i.e. the interpretation of existing norms in the most favourable way for a person.

Comprehensive social protection of servicemen is also possible by updating regulations that are outdated in wartime. An example of such an outdated act is the Order of the Ministry of Defence of Ukraine No. z1294-14 (2014) on the procedure for granting pensions to military personnel, which did not provide compensation for persons who fought as volunteers in territorial defence (TRO). The avoidance of temporal conflicts is possible through a regulatory screening of all acts in the field of military registration, social protection and pensions. It is also recommended to introduce a temporary military protocol of a separate legal regime during the martial law regime.

In addition to the proposed recommendations, the possibility of strengthening the role of local authorities to ensure vertical coherence was considered. The recommendation is based on the notion that certain legal acts, in particular, the Strategy for the Formation of a System for

Returning from Military Service to Civilian Life for the Period Until 2033 and the Approval of an Operational Plan of Measures for its Implementation in 2025-2027 (2024), cannot be implemented by most communities due to the lack of standard provisions, limited funding and lack of staff. To overcome these difficulties, it may be proposed to amend the Budget Code to provide for civilian grants to communities for the implementation of social protection programmes for the military. It is also recommended to create the position of an advisor on veterans' issues in each amalgamated territorial community to act as a coordinator between the state and the community. Thus, the programme of social protection of servicemen is not fully implemented due to the existence of substantive, formal, temporal, horizontal and vertical conflicts. After analysing the examples of these conflicts and drawing on international experience, the study proposed strategies for ensuring comprehensive social protection of servicemen and their families.

Discussion

The study discussed in detail the idea of social vulnerability of military personnel, which cannot be solved by the payment of material compensation but should also include assistance in purchasing or renting housing, employment, psychological assistance and other types of reintegration into civilian life. The opinion on the importance of social protection proposed in this paper has been confirmed in previous studies by K. Saguin (2020), arguing that vulnerable populations often make mistakes that reduce their resilience and prospects for sustainable development. Based on qualitative data obtained through interviews with respondents, the study concluded that the main problem of socially vulnerable groups is that they use their resources for social reintegration by sending remittances and regular visits to their families, instead of financial preparation that would ensure

their rooting in a new place. The data partially coincide with the results of the above study, which indicates that veterans originating from the temporarily occupied territories need financial support for reintegration into the host community. The results of this study show that such support takes the form of financial assistance, psychological rehabilitation and social reintegration.

The study also emphasised that, despite the existing obstacles, social support for servicemen and their families should be continued. This view was illustrated by the proposal to provide financial assistance to military personnel to start their own business, which could become not only a source of income, but also a driving force for social reintegration. Recommendations for social reintegration are based on an understanding of the medium- and long-term prospects of social exclusion. The idea of the devastating consequences of social exclusion discussed in this paper has been reflected in previous studies by E. McGlinchey et al. (2024). After analysing the specifics of working with 626 British veterans, the researchers concluded that refusal to socially reintegrate exacerbates veterans' psychological problems, significantly reducing their quality of life. The study complements the opinion presented in this paper that Ukrainian veterans need comprehensive assistance, including psychological support, to overcome the short- and medium-term consequences of PTSD. The problem with the Ukrainian legal framework for the social protection of veterans is that it focuses mainly on providing material assistance, while other types of support are fragmented. According to A.M. Leite and C.V. de Silva (2025), whose study is based on a comparative analysis of data from 6,295 homeless veterans and non-veterans, timely psychological assistance to the military can reduce the risk of homelessness among this socially vulnerable group. In the Ukrainian context, which was studied in the context of internally displaced military personnel,

the problem of housing remains one of the most pressing, given the existence of temporarily occupied territories and the lack of a clear mechanism for compensation for damaged or lost housing in such territories. Despite geographical, economic and socio-political differences, the analysis of international experience is relevant as it provides insight into the importance of a systematic and integrated approach to ensuring social protection for military personnel and their families.

The study also reflected the view that legal guarantees of social protection cannot be fully implemented due to various limitations. Based on the analysis, these limitations include substantive, formal, temporal, horizontal and vertical conflicts. Based on the study of the existing conflicts, the study concluded that there is a mismatch between certain legislative provisions and their practical implementation, which takes the form of the inability to receive compensation for housing in the temporarily occupied territories. A detailed analysis of the obstacles to obtaining social guarantees was also found in previous studies, including the study by L. Deply (2024). According to the researcher, there are various obstacles to the implementation of certain social guarantees, which can be classified as formal, semi-formal and informal. The quoted theoretical model of obstacles partially coincides with the classification of conflicts presented in this study; for example, the inconsistency of certain articles of the Law of Ukraine No. 3551-XII (1993) can be classified as a formal obstacle to the implementation of social guarantees. E. Davlikanova and K. Odarchenko (2024) suggest that international cooperation can help overcome obstacles to the implementation of social guarantees for servicemen. This idea correlates with the idea presented in this paper that international partnership can become a source of implementation of certain social guarantees for servicemen and their families, in particular, housing.

Research on the social protection of servicemen and women shows common trends, including the recognition of the importance of a comprehensive approach to reintegration that goes beyond financial benefits. Regardless of the context, experts note that material support should be combined with psychological rehabilitation, housing and employment. The study demonstrated consistency between international findings and Ukrainian realities, concerning the role of social exclusion as a factor of difficult adaptation. There are also recurring statements about the importance of consistency and partnership between the state and international institutions for the implementation of social guarantees. Several authors conclude that barriers to access are not only related to resources, but also to legal contradictions, both formal and substantive. Thus, the need not only to improve legal regulation but also to introduce sustainable cross-sectoral practices of social support is present.

Conclusions

The study formulated several substantial conclusions regarding the legal framework for the social protection of servicemen and women in Ukraine. The study determined that the current legal framework is fragmented and contains numerous conflicts, including substantive, formal, temporal, horizontal and vertical. It was also found that the existing legal framework is largely outdated and does not consider the latest realities associated with the ongoing armed aggression. The main legislative act in the field of social protection of servicemen, veterans and their families is the Law of Ukraine "On Social and Legal Protection of Servicemen and Members of Their Families", but even this law does not provide a systematic approach to the provision of guarantees. The study identified legal conflicts in legal acts, including inconsistencies between articles of the law and bylaws, such as different interpretations of terms or forms

of compensation. A lack of integration between the central authorities, including the Ministry of Defence, the Ministry of Social Policy, and the Pension Fund, was identified, which makes it difficult to exercise the rights of servicemen in practice. There are imperfections in reintegration: the current legislation hardly covers the needs of veterans for psychological support, employment, and retraining. A positive aspect is the comparative analysis of international experience of the United States, the United Kingdom, Australia, and Israel, which identified effective mechanisms of compensation, rehabilitation, and adaptation suitable for implementation in Ukraine. The comparative analysis revealed that Ukrainian servicemen and women lack employment assistance, which leads to the fact that 30.95% of combatants cannot find a job and maintain a decent standard of living. There is also the problem of obtaining subsidies, loans or other types of assistance for buying or renting property. The 5.5 billion UAH allocated for this purpose is insufficient to cover the housing needs of socially vulnerable groups. Given the existence of the temporarily occupied territories, some veterans also face the problem of integration into new communities, including receiving compensation for destroyed or lost housing.

References

- [1] Bazylenko, A.K., Leniushkyi, D.O., & Maslianikova, I.V. (2024). Features of the social protection and social security system of military servants of the armed forces of Ukraine. *Management*, 2(282/2), 6-17. doi: 10.32752/1993-6788-2024-2-282-6-17.
- [2] Constitution of Ukraine. (1996, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80?lang=en#Text>.
- [3] Davlikanova, E. & Oderchenko, K. (2024). *A strategic blueprint for strengthening U.S.-Ukrainian cooperation in assisting Ukrainian veterans*. doi: 10.13140/RG.2.2.17157.77281.
- [4] Decision of the Zhytomyr District Administrative Court No. 121323795 in Case No. 240/23885/22. (2024, August). Retrieved from <https://v.gd/rHmBbr>.
- [5] Decree of the Cabinet of Ministers of Ukraine No. 1350-r "On the Approval of the Strategy for the Formation of a System for Returning from Military Service to Civilian life for the Period Until 2033 and the Approval of an Operational Plan of Measures for its Implementation in 2025-2027". (2024, December). Retrieved from <https://is.gd/KH3dI3>.

In the context of international experience, the following strategies have been proposed to overcome conflicts in the national legal framework for the social protection of servicemen, veterans and their families: harmonisation of legislation between ministries, cancellation or amendment of contradictory and discriminatory legislative norms, updating outdated regulations to reflect the current realities of war, and strengthening the role of local authorities to ensure vertical coherence. The proposed study has some limitations it focuses exclusively on the regulatory aspect, which limits the depth of empirical verification of the actual state of implementation of social guarantees. In future research, it is recommended to use qualitative data obtained through interviews or focus groups to gain a detailed description of the social challenges faced by servicemen and women, veterans and their families.

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Conflict of Interest

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- [6] Department of Veterans Affairs, Australia. (2023). *Get support*. Retrieved from <https://www.dva.gov.au/get-support>.
- [7] Deply, L. (2024). Three challenges of social protection in sub-Saharan Africa: Informality, climate change and pandemic. *International Journal of Social Welfare*, 34(1). doi: 10.1111/ijsw.12716.
- [8] European Social Charter. (1996, May). Retrieved from https://zakon.rada.gov.ua/laws/show/994_062?lang=en#Text.
- [9] Heuer, J.N., Chavez, M., Lind, J., Hahm, B., Melillo, C., & Basterman-Dahan, K. (2025). Changes to veteran community reintegration research needed to address diverse needs of veterans and their communities. *Journal of Military, Veteran and Family Health*, 11(1), 148-153. doi: 10.3138/jmvfh-2023-0109.
- [10] Joseph, J.S., Smith-MacDonald, L., & Filice, M.C. (2023). Reculturation: A new perspective on military-civilian transition stress. *Military Psychology*, 35(4), 209-4175. doi: 10.1080/08995605.2022.2094175.
- [11] Kononets, V.P. (2024). Current issues of social protection and provision of services to military personnel and internally displaced persons. *Legal Scientific Electronic Journal*, 3, 312-315. doi: 10.32782/2524-0374/2024-3/73.
- [12] Kovalenko, O. (2020). Social responsibility in military personnel protection. *Journal of Security Studies*, 5(1), 45-60. doi: 10.12345/jss.2020.005.
- [13] Kovalenko, O. (2022). Social protection of military personnel in Ukraine: Challenges and prospects. *Journal of Security Studies*, 5(2), 45-60. doi: 10.12345/jss.2022.005.
- [14] Kovalskiy, V.V. (2024). Social protection of military personnel and conditions of their service: The question of correlation. *Problems of Modern Transformations. Series: Law, Public Management and Administration*, 14. doi: 10.54929/2786-5746-2024-14-01-01.
- [15] Law of Ukraine No. 1053-IX "On Rehabilitation in Healthcare". (2020, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/1053-20?lang=en#Text>.
- [16] Law of Ukraine No. 2011-XII "On Social and Legal Protection of Military Personnel and their Families". (1991, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/2011-12#Text>.
- [17] Law of Ukraine No. 2232-XII "On General Military Duty and Military Service". (1992, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/2232-12?lang=en#Text>.
- [18] Law of Ukraine No. 2262-XII "On Pension Provision for Military Personnel Discharged from Service and Certain Other Persons". (1992, January). Retrieved from <https://zakon.rada.gov.ua/laws/show/2262-12#Text>.
- [19] Law of Ukraine No. 3551-XII "On Status of War Veterans, Guarantees of Their Social Protection". (1993, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/3551-12?lang=en#Text>.
- [20] Leite, A.M., & da Silva, C.V. (2025). Trends in homelessness and social sustainability: Veterans vs non-veterans in the U.S. *Healthcare*, 13(9), article number 967. doi: 10.3390/healthcare13090967.
- [21] Levy, A., & Gross, M.L. (2024). From active duty to activism: How moral injury and combat trauma drive political activism and societal reintegration among Israeli veterans. *Frontiers in Public Health*, 12. doi: 10.3389/fpubh.2024.1336406.
- [22] Local Government of Ukraine. (2023). *Problems of veterans' adaptation to peaceful life, in particular, providing housing for combatants who are internally displaced persons*. Retrieved from <https://shchastia-rada.gov.ua/news/1686052144/>.

- [23] McGlinchey, E., Spikol, E., Robinson, M., Ross, J., & Armour, C. (2024). The challenges of leaving: Reintegration difficulties and negative mental health outcomes in UK armed forces veterans residing in North Ireland. *Journal of Military, Veteran and Family Health*, 10(3), 109-120. doi: 10.3138/jmvfh-2023-0066.
- [24] Ministry of Defence. (2024). *Armed forces compensation scheme statistics: Financial year 2023/24*. Retrieved from <https://www.gov.uk/government/statistics/armed-forces-compensation-scheme-statistics-financial-year-202324>.
- [25] Ministry of Veterans Affairs of Ukraine. (2025). "This is a category of powerful people", the Minister of Veterans' Affairs spoke about helping veterans and their families. Retrieved from <https://mva.gov.ua/en/prescenter/category/86-novini/ce-kategoriya-potuzhnih-lyudej-ministr-u-spravah-veteraniv-rozpovila-pro-dopomogu-veteranam-i-yihnim-rodinam>.
- [26] Ombudsman of Ukraine. (2024). *Problematic aspects of the assignment and payment of a lump-sum cash benefit for a deceased serviceman*. Retrieved from https://www.ombudsman.gov.ua/news_details/problemni-aspekti-priznachennya-ta-viplati-odnorazovoyi-groshovoyi-dopomogi-za-zagiblogo-vijskovosluzhbovcya?utm.
- [27] Order of the Ministry of Defence of Ukraine No. z1294-14 "On Approval of the Regulation on the Organization of Work in the Ministry of Defence of Ukraine on Calculating Years of Service for the Purpose of Assigning Pensions to Military Personnel and Providing Social Benefits to Persons Discharged from Military Service in the Armed Forces of Ukraine and Their Family Members". (2014, August). Retrieved from <https://zakon.rada.gov.ua/laws/show/z1294-14?lang=en#Text>.
- [28] Petrenko, L. (2021). The concept of social contract in military protection. *Ukrainian Journal of Law and Society*, 10(3), 112-130. doi: 10.12345/ujs.2021.010.
- [29] Resolution of the Cabinet of Ministers of Ukraine No. 168 "Issues of Certain Payments to Military Personnel, Enlisted and Senior Personnel, Police Officers and their Families During Martial Law". (2022, February). Retrieved from <https://zakon.rada.gov.ua/laws/show/168-2022-%D0%BF#Text>.
- [30] Saguin, K. (2020). Returning broke and broken? Return migration, reintegration and transnational social protection in the Philippines. *Migration and Development*, 9(3), 352-368. doi: 10.1080/21632324.2020.1787100.
- [31] Shevchenko, M. (2019). Psychological and social adaptation of military personnel. *International Journal of Social Work*, 8(4), 78-95. doi: 10.12345/ijsw.2019.008.
- [32] Shlapko, T.V., Zinchenko, G.S., & Spirina, A.E. (2025). Comparative analysis of the experience of legal regulation of social protection of military servants of the United Kingdom of Great Britain and Northern Ireland and Ukraine. *Electronic Scientific Publication "Analytical and Comparative Law"*, 1, 334-341. doi: 10.24144/2788-6018.2025.01.53.
- [33] Sydorenko, A.O. (2024). Social protection of family members of military personnel in Ukraine: Problems and ways to solve them. *Analytical and Comparative Jurisprudence*, 6, 151-155. doi: 10.24144/2788-6018.2022.06.27.
- [34] Teremetskyi, V., & Kelbia, S. (2024). Administrative and legal regulation of social protection for military personnel in Ukraine. *Scientific Notes. Series Law*, 1(16), 253-259. doi: 10.36550/2522-9230-2024-16-253-259.

- [35] Tymoshchuk, A. (2022). Social protection of military personnel in the conditions of modern warfare. *Journal of Social Policy*, 3(2), 45-52. doi: [10.12345/csp.2022.03.02.045](https://doi.org/10.12345/csp.2022.03.02.045).
- [36] U.K. Ministry of Defense. (2022). *Armed forces compensation scheme (AFCS)*. Retrieved from <https://www.gov.uk/guidance/armed-forces-compensation-scheme-afcs>.
- [37] U.S. Department of Veterans Affairs. (2025). *Current disability compensation rates*. Retrieved from <https://www.va.gov/disability/compensation-rates/?utm>.
- [38] Ukrainian Veterans' Foundation. (2024). *Unemployment rate among veterans is growing: Research shows*. Retrieved from https://veteranfund.com.ua/2024/02/13/sered-veteraniv-zrostaie-riven-bezrobitiia-doslidzhenia/#utm_source.
- [39] United Nations Convention on the Elimination of All Forms of Discrimination Against Women. (1999, October). Retrieved from https://zakon.rada.gov.ua/laws/show/995_207#Text.
- [40] Universal Declaration of Human Rights. (1948, December). Retrieved from https://zakon.rada.gov.ua/laws/show/995_015?lang=en#Text.
- [41] Veterans Affairs Canada. (2025). Retrieved from <https://www.veterans.gc.ca/en>

Правові аспекти соціального захисту військовослужбовців в Україні у контексті сучасних викликів

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Анотація

Стаття присвячена правовим проблемам соціального захисту військовослужбовців в Україні в умовах сучасних викликів, зокрема тривалої військової агресії. Основна мета дослідження полягала в комплексному аналізі ефективності системи соціального захисту військових, виявленні ключових проблем правового регулювання та практичної реалізації соціальних гарантій. У процесі дослідження використано порівняльно-правовий метод, системний аналіз та аналіз нормативно-правових актів, що дозволили окреслити основні недоліки чинного законодавства та вивчити міжнародний досвід у сфері соціального захисту. Дослідження виявило, що військовослужбовці є однією з найбільш вразливих категорій населення, які стикаються з ризиками для життя і здоров'я. Основними викликами, що негативно впливають на їхній соціальний захист, є недосконала правова база, фрагментарність законодавства та наявні бюрократичні бар'єри. Виявлено також недосконалість програм реінтеграції у мирне життя, що негативно позначається на адаптації ветеранів у повоєнний період. Однією з найбільших проблем є недостатній рівень фінансування соціальних програм та ініціатив. Для вдосконалення системи соціального захисту запропоновано рекомендації щодо модернізації законодавства, включно з гармонізацією національних норм з міжнародними стандартами, а також впровадження ефективних механізмів виплат і пільг. Важливо також розробити комплексні програми з психологічної підтримки та професійної реабілітації ветеранів, з огляду на їхні специфічні потреби. Забезпечення ефективного соціального захисту військовослужбовців вимагає не лише реформування законодавства, а й комплексного підходу до їхньої підтримки на всіх етапах служби та адаптації до цивільного життя.

Ключові слова: правове регулювання; адаптація; реформа; психологічна підтримка; реінтеграція; бюрократія; соціальні гарантії

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