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Public control over the relocation of strategic objects of state ownership

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Abstract

The relevance of the chosen study subject is due to the fact that the full-scale invasion of the Russian Federation in Ukraine caused the need to move enterprises, especially strategic objects of state ownership, from the zone of active military operations to safer regions. Therefore, there is a need to make adjustments to the field of public control over objects of strategic importance for the economy, security, and life of the country in a difficult time for it. The purpose of the study is to determine the state of public control as a regulation of the relocation process in the legal context of regulatory support and suggest improving state regulation, considering the existing norms of national legislation, regulatory acts, and programmes. In the process of writing the study, general scientific and special methods were used, such as: analysis and synthesis, deduction and induction, formalisation, formal legal, comparative legal, and the method of legal modelling. As a result of the study, the legal regulation of public control of relocated strategic objects in the system of existing relocation procedures is analysed. Doctrinal and legislative approaches to the interpretation of control, public control, strategic enterprises, and relocation itself are described. Features of international support for the relocation of Ukrainian enterprises to safer regions are considered. The main methods of optimising the relocation process have been identified, emphasizing the necessity to legislatively define the process itself and the related concepts. Additionally, the regulatory framework for public control over strategic enterprises has been elaborated upon. The necessity to establish a special legal regime for public control over relocation is justified. The practical value of the results obtained lies in the fact that they can be used in the development of new regulatory legal acts that will determine the proper legal mechanism in one codified act on the relocation of businesses from non-safe territories

Keywords: movement; combat operations; safe regions; martial law; codified act

Introduction

The relevance of the study lies in the fact that, suffering from military operations, among the priority tasks Ukraine has set for itself is the preservation of strategic objects of state ownership, their production capacities, human resources, and ensuring their security. The destruction of strategic state facilities and the displacement of the population became a call to relocation. In the conditions of war, the restoration of the territories of Ukraine that were destroyed becomes of particular importance. However, the variability of the location of military activity determines the tendency to take effective measures to preserve

objects of strategic importance for the economy and security of our country.

The issue of public control over strategic enterprises during relocation is presented in the form of scientific studies of the regulatory framework and individual practices of organisational and managerial activities during the period of martial law.

Decomposing the word "relocation", it can be seen that "locate", from the Latin word locus, means "place", re- means "again", and -ion means "action". Relocation means "the act of resettle-ment" in a new location (Relocation, n.d.).

O. Hensetska (2022) defines the relocation process as a definite improvement that allows the business to continue operating. I. Khymych (2022) considers relocation to be the main part of Ukraine's business strategy, which continues to operate in war conditions.

Comparing the definitions of relocation proposed by O. Hensetska and I. Khymych, it can be concluded that their understanding of the location for the enterprise is similar to an opportunity to save production and continue working in safe areas in the future.

O. Bukhanevych and A. Ivanovska (2019) defined control as an activity aimed at preventing legal violations and encouraging those involved in compliance with the law. Control is identified by reviewing the understanding of such actions with "verification, supervision, revision of actions, deeds" or simply "verification". The authors outlined control as a universal function of the country, where the idea is determined according to the practice of applying contemplative activities, with certain specific features in a certain format and means of application (Bukhanevych & Ivanovska, 2022). N. Horbova (2019) noted that state control (supervision) is an external control on the part of the state in the form of administrative supervision, such as: coercion, restoration, termination, prevention, and punishment with the application of administrative-level liability.

Notably, N. Horbova compared to O. Bukhanevych and A. Ivanovska more precisely sets the control process, since the sanctions component is covered.

Public control should be exercised not only over compliance with national legislation but also over the implementation of international standards. Therefore, it is advisable to use different models in the field of public control, depending on the goal that is set for public control over their management. There are such models as the

quality management system – ISO, the model of excellence of the European Foundation for Quality Management – EFQM, Common Assessment Framework, Balanced Score Card. This is due to the concept of Total Quality Management (TQM), which is aimed at covering consumer requirements and requires updating procedures through analytics and coordinated work of employees (EFQM Model, n.d.).

The normative legal acts that have become regulators of the process of relocation of enterprises do not contain a definition of the concept of "relocation", which accordingly differs from the relocation programme itself, which also does not have a single text with an understanding of a clear process of step-by-step actions and control by public institutions.

The purpose of the study is to examine international and national scientific approaches to the characterisation of public control over relocated strategic objects, analyse the normative legal acts of this field, identify problems, and suggest ways to improve the legal support of relocation.

The tasks are to determine whether international and national regulatory legal acts regulate public control over the relocation of strategic enterprises, the examination of scientific views on the relocation procedure, formation of a list of strategic objects, and the improvement of regulatory acts in the affected areas.

Materials and Methods

When writing the study, a number of general scientific methods were used: analysis and synthesis, deduction and induction, formalisation, formal legal, comparative legal, and the method of legal modelling.

Using the analysis method, the content of relocation is covered, the problems of controlling the movement of strategic enterprises are

highlighted, and the essence of the concepts of relocation and strategic objects is covered.

Through the synthesis method, the regulatory acts regulating the relocation process are listed and characterised. The need to create a single codified act for convenient and prompt movement of enterprises of strategic importance from the territories of battles to safe places is covered.

The deductive method is used in the study of the procedure for business relocation and, in particular, public control over strategic objects during relocation. The inductive method is used to characterise public control, which are components of the process of relocation of strategic objects.

Using the formalisation method, the area of control over relocated objects of strategic importance is reflected in the form of a procedure for moving enterprises. The formal legal method is used in the relationship between public control and management of strategic objects when moving their capacities and employees, which is a manifestation of relocation.

The comparative legal method is used in the study of control over enterprises through such quality management systems as the European Foundation of Quality Management – EFQM, the general assessment scheme – CommonAssessmentFramework, balance indicators –Balanced-ScoreCard. The method of legal modelling is used in the study of the relocation procedure for the distribution of functions and their use, and the consequences that follow them in the form of modelling both negative and positive consequences.

The main provisions and findings of the study are formulated based on the analysis of international and national legislation. In particular, during the research, the following provisions were used: the Excellence Model of the European Foundation for Quality Management (EFQM), the Common Assessment Framework, the Balanced

Scorecard (EFQM Model, n.d.), as well as state regulatory policies in the field of economic activity (Law of Ukraine No. 1160-IV..., 2003); state supervision as control in the field of economic activity (Law of Ukraine No. 877-V..., 2007); Government Resolutions regarding the operation of Ukrposhta during the period of martial law (Resolution of the Cabinet of Ministers of Ukraine No. 305..., 2022); criteria for classifying state property objects as strategic (Resolution of the Cabinet of Ministers of Ukraine No. 999..., 2010); list of strategic objects of state property (Resolution of the Cabinet of Ministers of Ukraine No. 83..., 2015); organization of work of employees of economic entities in the state sector of the economy during times of war (Resolution of the Cabinet of Ministers of Ukraine No. 481..., 2022); Order of the Cabinet of Ministers of Ukraine “On the Approval of the Plan of Urgent Measures to Relocate, if Necessary, the Production Facilities of Economic Entities from Territories where Hostilities are Taking Place and/or there is a Threat of Hostilities to a Safe Territory” (2022); Orders of the Ministry of Economy “On Approval of the Procedure for Submitting and Considering Proposals for Forming a List of State-Owned Objects of Strategic Importance for the Economy and Security of the State” (2010) and “On the Approval of Methodological Recommendations on Forecasting the Consequences and Assessing the Impact on the State of Economic Security of the State of the Privatization of Certain Categories of Enterprises” (2009); Order of the Ministry of Finance of Ukraine “On Approval of the Methodology for the Analysis of Financial and Economic Activity of Enterprises of the State Sector of the Economy” (2006); Decree of the President of Ukraine “On Financial Support of Innovative Activities of Enterprises that are of Strategic Importance for the Economy and Security of the State” (2004); relocation action plans

for enterprises in the form of a guide (Plashchuk, 2022); Letter from the Ministry of Digital Transformation providing assistance for the evacuation of Ukrainian businesses (Letter from the Ministry of Digital Transformation..., 2022); the registration instruction for relocation applications on the E-Tender electronic platform (Instructions for users of registering..., n.d.), etc.

Results and Discussion

General aspects of public control over the relocation of strategic objects

The relocation of Ukrainian enterprises, including strategic objects located in the territory of military operations, should be conducted with proper public control over the relocation procedure by clearly defined steps to help move equipment to certain safer territories, select the location of capacitive, and solve personnel issues.

Canadian researcher C. Goodwin (1993) investigated displacement in the plane of human displacement as a life transition, which means a radical change from one social context and physical environment to another, creating an opportunity for change. M.P.M. Sardhar (2007) suggests that when moving businesses, interaction with employees should be considered by applying certain measures to better adapt to the relocation process. Not all employees want to move, despite the offer of relocation assistance. According to Atlas World Group, the main reasons for refusing to move are family problems or connections, and the employment of a spouse or partner (Relocate and relocation..., n.d.). The relocation of people is described by J.V. Maanen & J.E. Schein (1979) as a transitional phase, including status ambiguity, identity, lack of status, and obscurity. Relocation is also referred to as community relocation or collective relocation – a holistic restructuring of life at the local level (Tsubouchi *et al.*, 2021). The

transfer of an enterprise can be conducted within the country, or outside its borders (international movement). Moving an enterprise outside the country is defined as the process of offshoring, the reverse action is moving the enterprise back to the country of origin of production – backshoring (Hayter, 1997; Yong-Sik & Kidong, 2018). A. Nedoshitko and I. Yaremko (2022) define internal relocation (within the state) as a chance to save a business and restore its activities in conditions limited by martial law. O. Bokiy and M. Moroz (2022) see the need for assistance at the state level in relocation and capacities that are at risk.

Canadian researcher C. Goodwin (1993) also appropriately focuses on the priority of considering the social component of displacement. A. Nedoshitko and I. Yaremko (2022) rather narrowly define relocation, in particular, activities only in war conditions, but this can be regarded as the need for mandatory return after the abolition of martial law, and this, in turn, may not be possible under certain objective conditions. O. Bokiy and M. Moroz (2022) – supporters of a position that can be agreed with, because it was these authors who stressed the need for state support in the relocation process.

A large explanatory dictionary of the Ukrainian language contains the definition of the term “control” in such meanings as: viewing for compliance of a certain control object with certain needs; checking and accounting for actions (of someone/something), supervision (of someone/something); an organisation or institution that monitors (someone/something) or checks the latter; derived from the term “controllers” (Busel, 2005).

Yu. Bila-Tiurina (2022) defines that in Ukraine, state control is used by the legislative, executive, and judicial branches of government. In each of these areas, the control powers of government bodies are implemented considering the

specific features of the relevant type of state activity. According to M. Tereshchenko (2019), it is worth emphasising that state institutions, trying to comply with guarantees of legality, sometimes incorrectly use the norm of the law in management to apply this aspect. Accordingly, public assistance should also be used in monitoring. Yu. Bila-Tiurina and M. Tereshchenko, in relation to state control as the activity of authorised institutions, have different views on this practice, and the latter author noted that he expressed the opinion that it is necessary to apply public opinion for the proper use of the rule of law.

Z. Teniukh (2006), considers strategic enterprises in the form of the production of vital products, with limited use, a ban on exports, strict state supervision and/or the production of which has risks to the economy and security of the country. O. Bondar (2001) refers to the range of strategic enterprises such capacities that produce raw materials, energy, certain production, consumer reserves, export resources, which are an exchange-replacing link of strategic supplies. O. Denysiuk (2006) considers strategic enterprises as an opportunity to influence the market component, and the consequences of instability in their work, which can be a factor influencing the state of enterprises. Summarising, Z. Teniukh, O. Bondar, and O. Denysiuk define the importance of strategic enterprises for the country's economy and security in all areas.

S. Stetsenko (2011) divides control into public and state. V. Kravchuk (2015) defines public control in the form of: state, public, municipal, and international control as a system of organisational and legal support in compliance with legal norms in the activities of public administration, human rights and freedoms, compliance with the powers, and tasks defined by state and local government bodies, and officials. V. Avery-

anov (2007) defines state control in the form of certain actions of officials of state authorities to comply with the legality and discipline in a certain area. Each type of control is appropriate in their application both separately and in aggregate since control, no matter how divided, performs its direct role in a certain process.

Separation of control according to the positions of authors S. Stetsenko on public and state, V. Kravchuk on state, public, municipal, and international and of V. Averyanov on control, which is embodied in the work of public authorities, is the prerogative of public control as a diverse category with inclusive concepts of attracting verification, supervision, and evaluation.

In the summer of 2022, in the western part of Ukraine, with the involvement of representatives of business, non-governmental organisations, authorities and international partners, the economic forum "Relocation to Transcarpathia: the European dimension" was held, where it was proposed to divide the participants of relocation into certain groups, each of which carried a certain defining criterion of investment attractiveness/unattractiveness, considering the state and municipal form of ownership, enterprises that are ready to change their strategy with an emphasis on promising development in a certain region (Transcarpathian Regional State Administration, 2022). All these groups into which such enterprises were divided should be focused on the principles of the economic component of a particular region (mechanical engineering, woodworking, tourism, electronics, innovation, environmental friendliness, product processing, etc.), considering the prevention of harm to the region in the fields of tourism and recreation (Panov, 2022).

Strategic objects of state ownership that are appropriate for development, since they are important in the fields of the economy, have a high

level of importance for the security of the state, and removing them from the list of strategic ones, considering martial law and relocation, will violate the integrity of the infrastructure for which they were responsible, therefore, it is necessary to establish a special legal regime of public control. The definition of “strategic objects” is proposed to be considered as state-owned enterprises, on which the economy, ecology, population, and state security depend, and sovereignty, territorial integrity, inviolability, defence capability, and information protection directly.

State-owned enterprises “Prozorro.Sale”, E-Tender, and eDocs created a programme for processing applications with the possibility of further support, on a free basis, placing materials, equipment, capacities in the territory that is less susceptible to combat impressions, that is, in safer territories of Ukraine. The application is submitted at the following link on the website, and priority is given to strategic enterprises (Instructions for users of registering..., 2021). The website of the Ministry of Economy of Ukraine covers the step-by-step process of processing applications (Ministry of Economy of Ukraine, 2022a).

However, the regulatory consolidation of the procedure for monitoring this process and, as a result, problems with the subsequent adaptation and preservation of property, especially strategic objects, remains aside.

Features of regulatory support for the relocation of strategic enterprises

Due to the damage and sometimes destruction of enterprises in the territories where active military operations take place, it became necessary to use relocation. Therefore, for the purpose of adaptation, such regulations as the Resolution of the Cabinet of Ministers of Ukraine “On the Peculiarities of the work of the Joint-Stock Company

“Ukrposhta” in the Conditions of Martial Law” (2022) and Order of the Cabinet of Ministers of Ukraine “On the Approval of the Plan of Urgent Measures to Relocate, if Necessary, the Production Facilities of Economic Entities from Territories where Hostilities are Taking Place and/or there is a Threat of Hostilities to a Safe Territory” (2022). This procedure does not bypass strategic objects of state ownership since their resources and potential cover military needs, so the issue of mobilisation mechanisms of public control becomes relevant.

An attempt to legislate the organisational process of public control has already been conducted in the development of the draft law on public control, which has not been implemented in the law since 2019, as it was withdrawn (Draft Law of Ukraine No. 2679-VIII..., 2015).

The legal basis for the functioning of state-owned objects of strategic importance is provided by regulatory acts of executive authorities. These acts include: “On Determining the Criteria for Classifying State-Owned Objects as Having Strategic Importance for the Economy and Security of the State” (2010), “On the List of State-Owned Objects of Strategic Importance for the Economy and Security of the State” (2015), “On Approval of the Procedure for Submitting and Considering Proposals for Forming a List of State-Owned Objects of Strategic Importance for the Economy and Security of the State” (2010), as well as reference regulatory acts such as “Methodological Recommendations on Forecasting the Consequences and Assessing the Impact on the State of Economic Security of the State of the Privatization of Certain Categories of Enterprises” (Order of the Ministry of Economy of Ukraine No. 518..., 2009), “Methodology for the Analysis of Financial and Economic Activity of Enterprises of the State Sector of the Economy” (Order of the Ministry of Finance of Ukraine No. 170..., 2006), “On Financial Support

of Innovative Activities of Enterprises that are of Strategic Importance for the Economy and Security of the State” (Decree of the President of Ukraine, 2004), “On the Basic Principles of State Supervision (Control) in the Field of Economic Activity” (Law of Ukraine, 2007), etc.

The government in its resolution established the regulation of provisions on the criteria by which these strategic objects are determined (Resolution of the Cabinet of Ministers of Ukraine No. 999..., 2010). However, as can be seen from the available content, there is no informative exhausted content of the characteristic data of such enterprises. Therefore, this affects the exercise of public control over state-owned objects, which must be relocated.

The legislation that establishes the basis of supervisory control by the state determines to conduct a certain breakdown of the levels of interest depending on the danger in the event of certain violations and the corresponding consequences for the life of society and the environment. Thus, it is considered necessary to establish control and supervision. Depending on the type of activity of the enterprise, the risk level is determined – insubstantial, medium, or high and the degree of risk to the safety of life and health of the population, and the natural environment. Accordingly, the criteria used to assess the degree and level of risk are determined depending on the type of activity of the enterprise (Law of Ukraine No. 877-V..., 2007). Accordingly, the consequences of the economic activities of strategic enterprises depend on public control over them.

Foreign experience and support in the relocation of Ukrainian enterprises

The relocation took place for the following enterprises: LLC “Pozhmashina”, “Corum “Druzhkivsky machine-building plant”, “Stalex”, private joint

stock company “Kramatorsk heavy machine tool plant”, etc. (Ministry of Economy of Ukraine, 2022b). Therefore, it is important to use international experience in managing such relocated enterprises.

Thus, the assessment of the quality of activities in European management is conducted according to the model of excellence EFQM – the European Foundation for Quality Management, which is distributed among private and public levels of management and allows evaluating the levers of control in comparison with the same sectors in a certain functionality. Therefore, it is used to determine organisational components and tools for influencing the regulatory activities of enterprises, among which there are: management systems; introspection procedure; comparison with similar ones; ways of improvement (EFQM Model, n.d.). The use of this system allows efficiently, quickly, and easily managing the enterprise and monitoring its functioning.

With Ukraine’s substantial gradual steps towards European integration, the practical effect of international control is being strengthened by the bodies of world organisations where a certain country is a member/participant, such as the Organisation for Security and Cooperation in Europe, the International Monetary Fund, the International Bank for Reconstruction and Development, the World Trade Organisation, and international judicial bodies such as the European Court of Human Rights in Strasbourg, the International Criminal Court in the Hague.

Accordingly, international control, along with Ukrainian control over relocated enterprises, is a factor in their successful formation and development in new places.

The relocation programme provides for the resumption of state development in the economic field through the transportation of equipment and the relocation of workers from dangerous regions

of Ukraine, where military operations are taking place, to the western territories of the country (Ministry of Economy of Ukraine, 2022a). With the help of the American Agency for International Development and GoLocalno, the economic support project of the Ukrainian state developed a manual on the relocation of enterprises, which defines the position on relocation, which was created by a group of business experts (Plashchuk, 2022). The manual contains the general principles of this process and provides the definition of relocation as the transfer of the physical location of the enterprise from the place of permanent deployment in whole or in part to preserve the possibility of operation of the enterprise and its full functioning.

However, the availability of European support does not allow easily and quickly solving both organisational and regulatory issues related to the relocation of strategic enterprises, given the imperfection of legal regulation.

Gaps in public control in the relocation of strategic objects

The definition of “relocation” can be considered in the understanding of the organisation and support of authorised structures for the movement of enterprises, institutions and organisations within the country to another place with employees and production, followed by ensuring their placement and functioning.

On 17.03.2022, the Ministry of Digital Transformation of Ukraine issued a letter in support of the evacuation of Ukrainian businesses (Letter from the Ministry of Digital Transformation..., 2022), and the Government issued a resolution on organising the work of employees – business entities of the public sector of the economy during the war (Resolution of the Cabinet of Ministers of Ukraine No. 314..., 2022). Instructions for

registration of a customer account (n.d.), which allows applying for relocation online were created on the E-Tender digital platform. However, access to it is possible through multi-step search actions on the Internet, and this is difficult due to the view of the navigation in the territories from which objects move. Therefore, such a complicated search path can lead to loss of time and, as a result, human casualties and property. Accordingly, it is necessary to develop a codified regulatory act that would contain the most comprehensive information on step-by-step actions with a certain instruction to fill in, so that it can be obtained and familiarised already in the absence of electronic communications in a safer place.

In the Order of the Cabinet of Ministers of Ukraine No. 246-r (2022), measures to move industries to avoid the threat of shelling in communications were fixed. In this administrative document, authorised state institutions, such as ministries, executive authorities, and military administrations, are instructed to implement these measures provided for in the plan, considering those responsible for such actions.

However, there is no order of control over the movement process, and the order of movement itself, and this is extremely important since it concerns strategic objects and such enterprises have different, depending on the field of activity, production capacity, sales markets, and other features. Therewith, the establishment of clearly regulated control by public state institutions is a factor in observing the maximum possible movement of all production facilities, enterprise resources, and personnel in safe regions. Due to the integrity of certain capacities, their partial transfer may sometimes be impossible. Accordingly, by establishing only those responsible without specific ordinal actions and without a certain distribution of measures for each of the author-

ised persons, it is impossible to exercise proper control, because it is impossible to demand compliance with the implementation of what is not established. Understanding the factor of redirection of responsibility in the redistribution of powers and functionality, which often intersects between departments, without specifically established measures for each of those responsible, is not possible. Thus, the duplication of responsibilities between many ministries and departments, in general, has formed an unregulated organisational and administrative mechanism for state control regulation.

One of the main reasons for the growth of negative trends in state regulation is the lack of a single document that would define the main priorities of national policy in the field of relocation and strategic enterprises. This should encourage states to draw up a unified document. It should be agreed upon among the ministries and state structures involved and approved at the appropriate managerial level. For example, it can be the format of a roadmap for relocation. Such a single regulatory act should become a qualitative regulator of the relocation process and control this procedure. Law of Ukraine "On the Principles of State Regulatory Policy in the Field of Economic Activity" (2003). The legal basis and organisational basis for public control of the relocation of strategic enterprises should be developed with the involvement of professional experts in this field.

The relevance of the national policy on the relocation of objects of strategic importance lies in the adaptation of production to the current military conditions. Since strategic objects are particularly important for the economy and security of Ukraine, the establishment of organisational, technical and technological conditions for their deployment has become extremely necessary.

Social, economic, political, and legal processes in the country are gradually becoming more adapted to the relocation of strategic enterprises.

V. Kravchuk (2015) and V. Averyanov (2007) considers control in various forms: public, state, municipal, and international, and all of them really constitute a system of care for the organisation and legal support of the activities of strategic enterprises that are relocated.

Considering the above-defined understanding of public control, many authors can express their own vision, where public control is a utilitarian way to ensure the right security of management, which will help the fruitfulness and effectiveness of administration in the strategic field of state enterprises. Comparing the author's visions considered, control is a comprehensive analysis and establishment of responsibility for specific institutions in the event of violations within the limits of their powers.

Conclusions

In the course of the study, it was stated that now Ukraine is in difficult conditions caused by military operations, which substantially changed the ways of forming and conducting economic activities. The following goals were achieved, in particular, the process of relocation, the procedure for establishing public control over the relocated strategic objects, the legal regulation of this process, the establishment of problematic aspects were examined and analysed, and ways to overcome the gaps in the relocation of strategic objects of state ownership were proposed. Attention is focused on scientific approaches to the interpretation of relocation, control, and strategic enterprises. The essence of relocation, problematic aspects in the control procedure are determined, the importance of strategic objects and the legal

component of relocation in the management of such enterprises are evaluated. Based on the results of the study, the need to update legal norms and adjust the public administration of economic structures was established. It is also proposed to analyse the work of state institutions in the process of relocating strategically substantial objects and the consequences that will affect their activities upon relocation. It is determined that control is implemented in the work of state authorities and is the prerogative of public control with inclusive concepts of attracting verification, supervision, and evaluation. It is emphasised that there are no characteristic data of strategic enterprises and this affects the exercise of public control over state-owned objects, which must be relocated. Since the procedure for controlling relocation is not regulated by law, there are problems with the subsequent adaptation and preservation of property, especially strategic objects. Therefore, it is recommended to establish a special legal regime of public control. It is proposed to define "strategic objects" as state-owned enterprises on which the economy, ecology, security of the population and the state in general and sovereignty, territorial integrity, inviolability, defence capability, and information protection directly depend.

The scientific originality of the study consists in the examination of the consolidation in regulatory legal acts of control over relocated strategic enterprises, including considering the monitoring of management processes of these enterprises, which has not yet been examined during martial law. Research in this area can be used to eliminate shortcomings in the implementation of the

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process of relocation of strategic objects, exclude corruption factors and abuses.

It is established that there is no order to control the movement process and the order of movement itself. Therefore, it is proposed to create a single regulatory codified Act, which defines the concept of the term "strategic objects", "relocation" and a step-by-step scheme of movement with the definition of responsible business entities for specific actions in the movement, starting from the submission of an application to the actual placement of capacities and personnel at the place of deployment in another safer region of Ukraine. Predictive risks that may arise from negative consequences from improper organisation of public control may quite specifically affect the activities of strategic enterprises and the possibility of harm to the state and society. Proper public control over the relocation of objects of strategic importance for infrastructure is a consequence of preserving their integrity for operation. It is advisable to use these results in similar studies and in the development of new legal norms. That is why among the prospects of research is the development of a theoretical basis and effective proposals for the functioning of the new law on the movement of strategically important Ukrainian enterprises from the territories where fighting continues to safer ones.

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Conflict of Interest

None.

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Анотація

Актуальність обраної теми дослідження зумовлено тим, що повномасштабне вторгнення російської федерації в Україну викликало необхідність переміщення підприємств, особливо стратегічних об'єктів державної власності, із зони активних бойових дій у безпечніші регіони. Тож постала необхідність унести корективи у сферу публічного контролю за об'єктами, що мають стратегічне значення для економіки, безпеки й життєдіяльності країни у важкий для неї час. Мета дослідження – з'ясувати стан публічного контролю як регулювання процесу релокації в правовому контексті нормативного забезпечення та запропонувати вдосконалення державного регулювання з огляду на наявні норми національного законодавства, регуляторні акти й програми. У процесі написання статті використано загальнонаукові та спеціальні методи, як-от: аналізу й синтезу, дедукції та індукції, формалізації, формально-юридичного, порівняльно-правового, а також методу правового моделювання. У результаті дослідження проаналізовано правове регулювання публічного контролю релокованих стратегічних об'єктів у системі чинних процедур переміщення. Охарактеризовано доктринальні й законодавчі підходи до тлумачення контролю, публічного контролю, стратегічних підприємств і власне релокації. Розглянуто особливості міжнародної підтримки релокації українських підприємств до безпечніших регіонів. Визначено основні способи оптимізації процесу релокації, окреслено необхідність законодавчо закріпити визначення цього процесу та пов'язаних з ним понять, а також розкрито нормативне регулювання публічного контролю за стратегічними підприємствами. Обґрунтовано необхідність встановити спеціальний правовий режим публічного контролю за релокацією. Практична цінність одержаних результатів полягає в тому, що їх можна використати в розробці нових нормативно-правових актів, що визначатимуть належний правовий механізм в одному кодифікованому акті щодо релокації бізнесу з територій, що не є безпечними

Ключові слова: переміщення; бойові дії; безпечні регіони; воєнний стан; кодифікований акт
