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MAKING LEGAL AND ENFORCEMENT DECISIONS IN THE MANAGEMENT OF RESOURCES (ON THE EXAMPLE OF UKRAINE)

ABSTRACT

Most scientific research is focused on certain aspects of resource management in general, and on natural resources management in particular. However, a comprehensive approach to solving these challenging issues requires clarifying the mechanism of making legal and law enforcement decisions in the field of resource management through the prism of the criteria for their adoption. In addition, the concept of "natural resource management" needs to be replaced by the concept of "resource management". The Aristotelian (dialectical) method became the leading method of this research at each of its stages. The study of the "resources" concept as a system of interconnected elements was carried out using the synergistic method. The axiological method is important for the systematization of approaches to making legal decisions regarding resource management and the development of a general concept of their adoption. When studying the mechanism of making legal and law enforcement decisions, the formal legal method was used as a special research method. Quantitative methods are justifiably criticized. The application of these methods made it

possible to define resources as a complete, interdependent system of elements, as well as to define standards for making legal decisions in the field of resource management.

KEYWORDS: legal decisions in the field of resource management, court decisions, ECtHR case law, standards of legal decision-making in the field of management, the state.

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1. Introduction

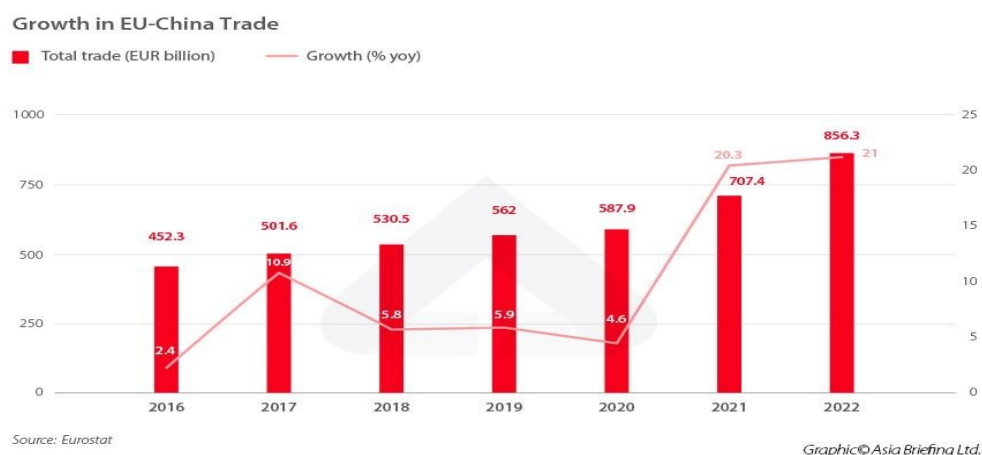
The concept of sustainable development shall meet current challenges. This means that a conceptual change in approaches to managing the economy, natural resources, and environmental security should be introduced. These changes must be implemented at the national, regional and global levels to achieve the stated goals of sustainable development. Subjects that have obligations within the framework of the United Nations implement them by developing strategies of the appropriate level with a list of measures necessary to achieve such goals in reality. At the same time, most states are members of regional (local) organizations (unions), which, along with economic issues, discuss the challenges of achieving global goals of sustainable development. For example, India and China are trying to strengthen their influence on the states of the so-called Global South, in other words, states that have chosen neutrality in the new iteration of global competition¹. The concept of the Global South has changed since the 1960s when it emerged. These changes consist in the fact that, nowadays, the term “Global South” includes not only economically weak states, but also states that differ in political structure, level of economy, and natural conditions.

In this regard, it is possible to single out two trends in international relations that affect the internal policy of each of the sovereign states. The first trend is related to the fact that China offers the states of the Global South to join forces around the development of the economy, the fight against global

¹ BROOKE-HOLLAND L. (2024) *What is the Global South?*
<https://commonslibrary.parliament.uk/what-is-the-global-south/>

climate change, and the regulation of cyberspace². The second trend was voiced in the UK government's Integrated Review Refresh 2023. It is about ensuring collective global security by establishing close cooperation in the Indo-Pacific region, the Persian Gulf and Africa, along with economic development, poverty alleviation and climate change prevention³. The goals announced by Great Britain can be treated as Pan-European. This confirms the fact that the European Union (hereinafter, the EU) did not ratify a comprehensive agreement on cooperation in the field of investments with the People's Republic of China (hereinafter, the PRC), due to the opacity of economic processes and remedial actions. At the same time, the EU's dependence on Chinese imports is growing (Figure 1. Growth of trade between the EU and China⁴). At the same time, the United States of America (hereinafter, the USA) tried to stop technological development by banning the EU from exporting microcircuits to China.

Figure 1. Growth in EU – China trade



2 *China wants to be the leader of the global south 2023. The Economist*
<https://www.economist.com/china/2023/09/21/china-wants-to-be-the-leader-of-the-global-south>

3 *Integrated Review Refresh 2023: Responding to a more contested and volatile world 2023. Policy paper*
<https://www.gov.uk/government/publications/integrated-review-refresh-2023-responding-to-a-more-contested-and-volatile-world/integrated-review-refresh-2023-responding-to-a-more-contested-and-volatile-world#ii-overview>

4 HULD, A. (2023) *EU-China Relations – Trade, Investment, and Recent Developments*
<https://www.chinabriefing.com/news/eu-china-relations-trade-investment-and-recent-developments/>

The difference between these two trends lies in giving priority to one or another goal of global development. It is also important that bilateral relations between states can influence the adoption of legal decisions within the state. These decisions affect its internal and external policy. However, there is a need to define legal decision-making mechanisms that affect the economic development of the state. When making legal decisions in the field of resource management, the state acts not only as a public legal entity that acts in the interests of its citizens, but also as an owner who disposes of its property. This aspect remains out of the attention of researchers when writing scientific and practical works. It is no less important to resolve the issue of the legality of decision-making in the field of resource management. Thus, according to analytical data on the state of administration of justice by administrative courts in 2023, most lawsuits in the field of economic management were settled in favor of plaintiffs, which is illustrated in Figure 2⁵.

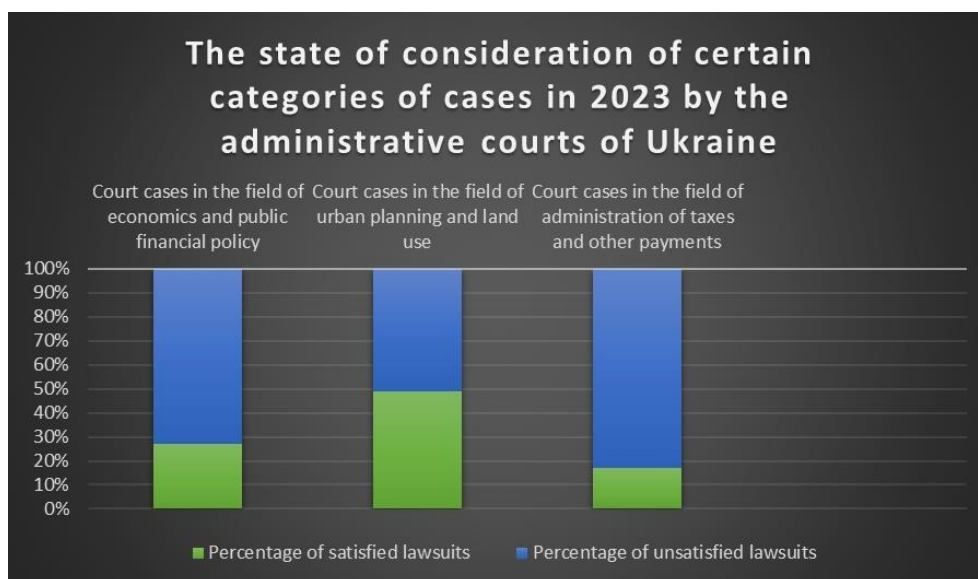


Figure 2. The state of consideration of certain categories of cases in 2023 by the administrative courts of Ukraine

⁵ *Analysis of the state of administration of justice by administrative courts in 2023 2024 Supreme Court. Kyiv* https://supreme.court.gov.ua/userfiles/media/new_folder_for_uploads/supreme/oglyady/Analiz_KA_S_2023.pdf

However, the data presented in the chart do not give a complete picture of the legality of the decisions made in the field of economic and resource management. These data raise objective doubts.

In addition, the very term “natural resource management” requires revision of its content. This research is aimed at solving the outlined issues.

2. Methods

The research determined the use of general and special methods of scientific activity, each of which ensured the achievement of the set goal. The Aristotelian (dialectical) method became the leading method of this research at each of its stages. The study of the “resources concept as a system of interconnected elements was carried out using the synergy method. The achiological method is important for the systematization of approaches to making legal decisions regarding resource management and the development of a general concept of their adoption. When studying the mechanism of making legal and law-enforcement decisions, the formal legal method was used as a special research method. The analysis method made it possible to determine the necessary criteria for the legality of decision-making and the importance of caselaw in their development.

Quantitative methods were used along with the methods inherent in the humanities. However, their impact on determining the criteria for legality of decisions should not be overestimated. Thus, although Figure 1 illustrates the growth of Chinese goods import to European countries, this did not affect the decision of the EU countries to ratify the international investment treaty.

The high number of lawsuits settled in favour of plaintiffs in administrative cases related to the management of the economy, resources and taxes (Figure 2) indicates a high number of annulment decisions in this area. The indicated statistical values do not reflect the reality of the situation. Firstly, the plaintiffs in cases concerning the administration of taxes and other payments

to the budget can be bodies of the State Tax Service of Ukraine, which is indicated by statistical data. Secondly, appeals against illegal decisions of state authorities can take place in civil and economic proceedings, and these data are not reflected in the statistics of the consideration of cases by the relevant courts.

3. Results and discussion

The majority of the research pieces in this field are dedicated to the examining the issues of safety in the field of using artificial intelligence (hereinafter referred to as AI). In particular, uncontrolled experiments with AI are associated with clear and hidden risks, which may result in global changes for the Earth⁶. Although the authors emphasize the need for controlled process management related to AI, they do not provide specific directions for their solution. Undoubtedly, The Asilomar AI Principles contains the necessary accents that must be taken into account when making legal decisions in the field of AI⁷. Particular attention should be paid to the principles of security, transparency of failures, transparency of the judicial system, responsibility, human values, personal data protection, freedom, privacy, human control, alignment of values, etc.

S. Benchebkroun's research is indicative of the reconciliation of innovative (digital) technologies and scientific integrity. The author rightly points out that people and technology complement each other's strengths⁸. However, the author only superficially covers possible problematic situations with their integration, in particular in the publishing sphere. At the same time, B. Chomanski emphasizes that the management of political institutions is carried out by the

6 Noteworthy (2023). *Survival global politics and strategy: Challenges for Western power* p.p. 90–92. DOI: 10.4324/9781003429364-7

7 STERLING, B. (2018) *The Asilomar AI Principles*. <https://www.wired.com/beyond-the-beyond/2018/06/asilomar-ai-principles/>

8 BENCHEBKROUN, S. (2024) *The robot uprising is here: Is scholarly publishing ready?* <https://doi.org/10.1002/leap.1595>

same people as market ones, therefore, the risks of using AI do not disappear⁹. A similar thesis is substantiated by G. Hurlburt. He also emphasizes the need to achieve a real ethical task: the correct interaction of people with artificial intelligence¹⁰. We agree with this opinion, since human factor is definitely present when using the latest high-precision technologies. Under certain conditions, these dangers can only increase in light of the possibility of interference in electoral, judicial, security and other global processes.

No less interesting is research on arms control by H. Beach in the future¹¹. States are interested in the development of high-tech weapons, which are already being used now during the Russian-Ukrainian war. In addition, digital technologies are also used to optimize the management processes of nuclear power plants. However, these aspects were left out of the author's attention. Another relevant scientific work is the article by S. Kuhr and J. M. Hauer, which was written back in 2001. The authors insist that government agencies and institutions of all levels should develop programs to detect natural or man-made epidemics in the early stages¹². This aspect of the problem is interesting in the context of the possible man-made origin of the coronavirus disease "COVID-19". In addition, researchers should indicate not only the need for programs to detect such epidemics in the early stages, but also to approve a system of measures to reduce their consequences.

The researches regarding the management of energy resources are also worth mentioning. In the conditions of destabilizing factors, the stability of the energy system is a priority issue. Thus, J-L. Hu justifies the four elements that ensure the sustainability of the energy system: planning, infrastructure, re-

9 CHOMANSKI, B. (2023) *Pauses, parrots, and poor arguments: real-world constraints undermine recent calls for AI regulation*. *AI & Soc.* <https://doi.org/10.1007/s00146-023-01703-3>

10 HURLBURT, G. *What If Ethics Got in the Way of Generative AI?* *IT Professional* vol. 25 no. 2 p.p. 4-6 March-April 2023 doi: 10.1109/MITP.2023.3267140.

11 BEACH, H. (2008) *Is There a Future for Arms Control?* *International Relations* 22(3) p. 363-368 <https://doi.org/10.1177/0047117808094181>

12 KUHR, S., HAUER, J. M. (2001) *The Threat of Biological Terrorism in the New Millennium*. *American Behavioral Scientist* 44(6) p. 1032-1041 <https://doi.org/10.1177/00027640121956539>

covery and management¹³. Generally agreeing with the author on the steps necessary to increase the stability of energy systems, we believe that the control element is present at each of these stages. After all, the achievement of set goals depends on the effectiveness of management. Bosnian researchers proved by performing computational operations that the cost of wind electricity is lower than the purchase price for large wind power plants¹⁴. Attracting investments in alternative sources of electricity will make it possible to ensure the state's energy independence in conditions of limited fossil sources of electricity.

Certain aspects of investment management during housing construction, in particular, the builder's liability insurance mechanism, were highlighted by Kharkiv researchers¹⁵. Ensuring the housing rights of Ukrainian citizens in the conditions of constant missile attacks by the Russian Federation requires the development of new approaches to resource management in the form of investments. Management in the field of investments by approving long-term programs will allow to increase spending on innovations, and, as a result, to attract investments¹⁶. However, the reduction of costs for innovation, as well as the inability of business structures to generate resources, are the consequences of several factors. Such factors include lack of financial and human resources, unsatisfactory infrastructure, corruption risks, etc. Each of these factors requires management decisions. As a researcher from Jordan rightly points out, the

13 HU, J.-L. (2022) *Energy Resilience in Presence of Natural and Social Uncertainties*. *Energies*. 15(18):6566 <https://doi.org/10.3390/en15186566>

14 BLAZEVIC, R., HADZIAHMETOVIC, H., KADRIC, D. and ALISPAHIC, M. (2023) *Wind Farm Energy Production in Bosnia and Herzegovina: Levelized Cost of Energy*. *Proceedings of the 34th DAAAM International Symposium* p. 0237-0246 B. KATALINIC (Ed.) Published by DAAAM International ISBN 978-3-902734-41-9, ISSN 1726-9679 Vienna Austria <https://doi.org/10.2507/34th.daaam.proceedings.030>

15 KURAFIEIEVA, I., KHODYKO, YU., DUDENKO, T. (2023) *Construction of Real Estate with the Involvement of Individual Funds: The Ukrainian Experience*. (2023) ISVS e-journal, 10 (9), pp. 66-76. <https://doi.org/10.61275/ISVSej-2023-10-09-05>

16 BERDAR, M., KOT, L., MARTYNIUK, L., YEVTUSHEVSKA, O. and SAPACHUK, Y. (2024) *Challenges and prospects of innovation and investment development of enterprises in the post-war period*. *Economics of Development* 23(2) p. 27-37 <https://doi.org/10.57111/econ/2.2024.27>

shadow economy is the cause of corruption and economic crimes¹⁷. Optimal tax and regulatory solutions in the field of economic management can minimize the negative consequences of these phenomena.

The importance of public administration and decision-making on economic, social, environmental or any other issues in wartime is difficult to overestimate. This requires new approaches to understanding the competence and powers of state agencies and local self-government bodies¹⁸. Administrative methods of management can both be an obstacle to stimulating entrepreneurial activity and stimulate its development¹⁹. We agree with the opinion that wartime management should be ethical, based on a value approach and social responsibility²⁰. However, not only the mechanism for making legal decisions in the field of management, but also law enforcement ones is important. The application of the principles of legality and justice in the administration of justice are considered the basis for the implementation of administrative proceedings²¹. However, for the European judicial system, as for its legal system, the fundamental principle is the rule of law, and not legality, which embodies excessive formalism, leveling the “spirit of law”.

Thus, all these studies only partially illuminate the mechanism of legal and enforcement decisions in the field of resource management. Most researchers emphasize the problems of natural resource management. However, in

17 ALRAGGAD, M.M. (2024) *Legal aspect to ensuring sustainable development in Jordan: Countering crime and shadow operations*. *International Journal of Sustainable Development and Planning* Vol. 19 No. 6 p. 2361-72 <https://doi.org/10.18280/ijstdp.190634>

18 KLIUCHNYK, A., PROHONIUK, L., GALUNETS, N., HUSENKO, A. and OLIINYK, T. (2023) *Economic Affairs* Vol. 68(Special Issue), p. 923-9 <https://doi.org/10.46852/0424-2513.2s.2023.40>

19 ALDROU, K.K.A.R. (2024) *Administrative law in sustainable development: A case study of the interaction between eco-business and government in Jordan*. *International Journal of Sustainable Development and Planning* Vol. 19 No. 5 p. 1817-25 <https://doi.org/10.18280/ijstdp.190519>

20 KOSHELENKO, K. (2024). *Management in times of war. Leadership, efficiency and sustainability* (Kyiv: Final Beneficiary) 320 p.

21 ABDRASULOV, E., AKHMETOV, YE., ABDRASULOVA, A., TAPAKOVA, V. and MUTALYAPOVA, A. (2024) *Legal basis for the application of the principles of legality and justice in the system of administrative proceedings of the Republic of Kazakhstan*. *Statute Law Review* Volume 45 Issue 2 <https://doi.org/10.1093/slr/hmae026>

the current conditions, we believe that resources should be discussed in the broad sense of this term. The concept of “resources” includes not only natural, but also technological, infrastructural, financial, human and investment resources.

Natural resources are limited. Therefore, the management of natural resources should involve conscious consumption. Conscious consumption involves the use of economically beneficial technologies to minimize the depletion of natural resources. For example, the use of alternative sources of electricity will reduce the consumption of coal, as well as other natural energy reserves. Such solutions can be not only economically beneficial, but also environmentally safe. Thus, the Hywind Tampen floating offshore wind farm of the Norwegian energy company Equinor not only provides electricity to oil and gas platforms, but also allows to reduce CO2 emissions²². At the same time, the safety of electric cars for the environment turned out to be just a good advertising project. In particular, Scottish scientists proved that electric cars produce more emissions of solid particles than traditional cars²³. Scientists from the University of North Carolina indicate that harmful emissions are higher in those states where the share of electric vehicles is higher²⁴. Therefore, the decision to manufacture electric cars instead of conventional ones requires proper economic and environmental justification.

Therefore, when making a legal decision regarding the optimization of the use of natural resources, including their preservation, it is necessary to apply forecasting on the basis of scientific and economically substantiated research.

22 BULI, N. (2023) *Equinor opens world's largest floating wind farm in Norway*. Reuters <https://www.reuters.com/business/energy/equinor-inaugurates-worlds-largest-floating-wind-powerfarm-norway-2023-08-23/>

23 TONKIN, S. (2016) *Electric, hybrid and other eco-friendly cars fill the air with as many toxins as dirty diesels say scientists*. Mailonline <https://www.dailymail.co.uk/news/article-3579878/Electric-hybrid-ecofriendly-cars-air-toxins-dirty-diesels-say-scientists.html>

24 ZOLFAGHARIFARD, E. (2015) *Are electric cars damaging YOUR region? Maps reveal how EVs can be WORSE for the environment than gas-guzzling vehicles*. Mailonline <https://www.dailymail.co.uk/sciencetech/article-3151637/Are-electric-cars-damaging-regionMaps-reveal-EVs-WORSE-environment-gas-guzzling-vehicles.html>

ch. Legal decisions in the field of natural resources management can be made only in the presence of reliable data on reducing the negative impact on the ecological environment. Thus, the study of the regulatory impact of this decision is ensured not only on the economy, but also on the environment. These are mandatory elements when making final decisions.

When making legal decisions in the field of natural resource management, it is also necessary to resolve the issue of the possibility of applying regeneration and meliorative technologies. These aspects are extremely relevant in the context of active hostilities on the territory of Ukraine, where the most fertile soil is located. These soils undergo changes, as a result, their quality characteristics decrease. Innovative approaches that contribute to the regeneration of these properties are one of the priority areas. Thus, the management of natural resources is closely related to technological resources.

The people, the state, the territorial community and other subjects act as the owners of the relevant natural resources when making decisions in the field of natural resource management. They act through authorized bodies on the basis, within the limits of the granted powers and in the manner provided by the Constitution and laws of Ukraine (Article 19 of the Constitution of Ukraine²⁵). Therefore, resource management decisions cannot be made at will. This activity must meet certain criteria. Thus, Art. 4 of the Code of Ukraine on the Subsoil indicates that the subsoil is the exclusive property of the Ukrainian people, therefore it can only be provided for use²⁶. In addition, Art. 130 of the Land Code of Ukraine contains restrictions on the possibility of acquisition of agricultural land by foreign citizens, stateless persons, and foreign legal entities. The legislator establishes precisely the civil-law consequences of violation of the specified restrictions in the form of recognition of transactions as invalid

25 Constitution of Ukraine dated June 28, 1996.
<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

26 Code of Ukraine on Subsoil: Law of Ukraine dated July 27, 1994.
<https://zakon.rada.gov.ua/laws/show/132/94-%D0%B2%D1%80#Text>

and termination of ownership of the land plots in respect of which they were committed, with reimbursement of their value. These restrictions can be terminated only if a corresponding decision is adopted in a referendum.

At the same time, the state or territorial community can initiate the termination of the right of ownership of certain resources necessary for them to perform functions in the interests of the whole society. The European Court to Human Rights (hereinafter referred to as the ECtHR) has developed clear criteria that are used to assess the permissibility of interference by the state in an individual's right to peaceful possession of property. These criteria were determined as a result of a complex interpretation of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950²⁷, Protocol 1 to it²⁸ and the established case law of the ECtHR. Therefore, the legality, justification and proportionality of such intervention are the criteria for the legality of state intervention in the peaceful possession of property²⁹.

Legitimacy implies the legal validity of state intervention, that is, a law or other regulatory act that is adopted in compliance with the requirements of the Constitution and laws of Ukraine, is valid, accessible and understandable to interested parties in terms of the mechanism of application and consequences. Moreover, such a regulatory act is assessed by the ECtHR for compliance with the requirements of the principle of the rule of law, that is, such an intervention cannot be arbitrary. The justification of interference presupposes the presence of objective circumstances under which the social (public) interest cannot be satisfied in any other way than through interference with the peaceful

27 Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights): International document, 1950.
https://zakon.rada.gov.ua/laws/show/995_004#Text

28 Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms: International Document, 1952.
https://zakon.rada.gov.ua/laws/show/994_535#Text

29 East/West Alliance Limited v. Ukraine App No. (ECtHR January 23, 2014).
<https://hudoc.echr.coe.int/eng?i=001-140029>

possession of property. Provision of public interests must be socially and economically justified. Proportionality consists in fair restitution (compensation) of alienated property. Such restitution (compensation) guarantees compliance with the principle of the rule of law when it is impossible to ensure the principle of proper governance in any other way. Examples of compliance with the criteria defined by the ECtHR in its case law are the Laws of Ukraine “On Expropriation of Land Plots, Other Real Estate Objects Located on Them, Which Are Privately Owned, for Public Needs or for Public Necessity” dated November 17, 2009³⁰, and “On Transfer, Forced Alienation or Confiscation of Property Under the Legal Regime of Martial Law or State of Emergency” dated May 17, 2012³¹. These legislative acts establish various mechanisms for terminating the right to private property. However, these acts also provide the possibility of judicial control in the case of forced alienation of a plot of land for reasons of public necessity, as well as the appeal of unjust restitution (compensation) in the case of requisition in the conditions of war or state of emergency. The court determines the conditions of forced alienation of the land plot in its decision if there are grounds provided for by law. At the same time, the party that does not agree with the adopted court decision has the right to appeal it. In this context, it is important to comply with the requirements of the law not only at the stage of making legal decisions in the field of natural resources, but also at the judicial (enforcement) stage. This also demonstrates the impact of regional institutions on decisions in the field of resource management within an independent state.

Technological (innovative) resources also require effective management in order to preserve other types of resources or ensure environmental safety. Therefore, such solutions should be characterized by a high degree of efficien-

30 Law of Ukraine “On alienation of land plots and other real estate objects located on them, which are privately owned, for public needs or for reasons of public necessity” dated November 17, 2009. <https://zakon.rada.gov.ua/laws/show/1559-17#Text>

31 Law of Ukraine “On transfer, forced alienation or seizure of property under the legal regime of martial law or state of emergency” dated May 17, 2012. <https://zakon.rada.gov.ua/laws/show/4765-17#Text>

cy. These resources are closely related to financial, as well as investment attraction. Solving the outlined issues is extremely important for Ukraine and other states. For example, Polish researchers discuss the possibility of direct conversion of green energy from RES farms into thermal energy with planned investment in thermal power plants³². The use of the specified technology would make it possible to protect the population of Ukraine in winter, since the Ukrainian energy system suffers significant damage as a result of constant shelling by the Russian Federation.

One more example is the opening of a new branch of the DOK-ING company, which specializes in robotic and autonomous systems. This Croatian company uses not only innovative approaches to the development of equipment for demining territories, but also carries out social and charitable activities within the framework of international cooperation between Ukraine and Croatia³³. Therefore, the decisions made are the result of coordination of private-public partnership, as well as intergovernmental agreements on resource management.

The management of financial resources requires the adoption by the state, territorial community, public and private legal entities of balanced decisions regarding investment and saving funds. Obtaining high profits by Ukrainian banks ensured their cooperation with the European Bank for Reconstruction and Development (hereinafter – EBRD). Thus, the EBRD provided unfunded risk-sharing mechanisms to two state-owned banks, such as PrivatBank, Ukrgasbank, as well as to private banks: Kredobank and Bank Lviv, a new trade financing limit for ProCredit Bank³⁴. This is also an evidence of effective deci-

32 TALAREK, K., KNITTER PIATKOWSKA, A., GARBOWSKI, T. (2022) *Wind Parks in Poland – New Challenges and Perspectives*. *Energies* 2022 15 7004 <https://doi.org/10.3390/en15197004>

33 DOK-ING *Strengthens Its Footprint in Ukraine With a Kyiv Office Strengthening the Reconstruction and Recovery of Ukraine* 2024. https://dok-ing.hr/news/dok-ing-strengthens-its-footprint-in-ukrainewith-an-opening-a-kyiv-office/?trk=article-ssr-frontend-pulse_x-social-details_commentsaction_comment-text

34 MIRBABAEVA, N. *EBRD helps Ukraine's banks to unlock €690 million of new lending*. <https://www.ebrd.com/news/2024/ebrd-helps-ukraines-banks-to-unlock-690-million-of->

sions in the field of state management as the owner, which provided the opportunity for state banks to participate in the EBRD program for financing critically important sectors of the Ukrainian economy.

In the context of this study, it is important to focus on the management of critical infrastructure facilities. These measures consist in the exercise of powers regarding the possession, use and disposal of such objects in conditions of war, state of emergency, during other force majeure circumstances (natural disasters, epizootics, epidemics, etc.), as well as establishing responsibility for damage caused to such objects as a result of dishonest performance of their obligations.

However, when making decisions in the field of resource management, it is necessary to avoid illegal and ineffective decisions. A vivid example of the incompetence of the State Audit Service of Ukraine is the situation with the audits of the state enterprise “State Kyiv Design Bureau “Luch”³⁵. According to the State Audit Service of Ukraine, state-owned enterprises, including the defense-industrial complex, cannot receive profit and direct it to their own needs. Thus, the controlling body believes that state-owned, communal enterprises cannot be successful and provide for their own needs at the expense of the earned profit. By the way, the state-owned enterprise “State Kyiv Design Bureau ‘Luch’” uses its own working capital to develop new weapons systems, eliminate the consequences of missile strikes, restore and replace damaged equipment and products, relocate production and increase production capacity. Thus, the control bodies incorrectly apply the norms of the legislation of Ukraine, which creates problems in the functioning of the critical infrastructure object.

newlending.html?trk=article-ssr-frontend-pulse_x-social-details_comments-action_comment-text#

35 TARASOVSKY, YU. *Conclusions of the State Audit Service. State KDB “Luch” calls on the government to introduce a moratorium on inspections of military equipment enterprises.* <https://forbes.ua/news/visnovki-derzhauditsluzhbi-derzhavne-kkb-luch-zaklikae-uryad-zaprovaditimoratoriy-na-perevirki-pidpriemstv-opk-09102023-16541>

Another issue of resource management is human resource management. In connection with the war in Ukraine, women are being retrained in professions where there is a noticeable lack of workers: drivers of trucks, buses, miners, etc. Decision-making on migration and demographic policy is also important.

Therefore, when making decisions in the field of resource management, it is important to assess possible risks, including geopolitical ones. Identification of risks can be automated, in particular, the specified attempts to implement monitoring of public procurement, as well as registration of tax invoices and subsequent reimbursement of value added tax, etc. However, these systems need to be improved based on the problematic areas identified by case law. Geopolitical risks must be taken into account when making decisions in the field of resource management. Thus, strategic development of infrastructure and technologies, including defense ones, investments in the agricultural sector, development of new logistics routes, as well as cyber security are important for ensuring the proper level of resource management in the geopolitical aspect. In particular, the issue of cyber security in the context of computerization and automation of management of nuclear power plants and other objects of critical infrastructure remains crucial.

Verification of the adopted legal decisions in the field of resource management for compliance with the legislation of Ukraine and public interests is carried out by national courts, as well as by the ECtHR. Thus, in the case “Rysovskyy v. Ukraine”, the ECtHR emphasized that public agencies must act in a timely manner and in a proper and as consistent manner as possible, in particular, by introducing internal procedures that will increase the transparency and clarity of their actions, minimize the risk of errors in decision-making³⁶ [36]. Court decisions in the motivational part state the criteria for the legality of the

36 Rysovskyy v. Ukraine App No. 29979/04 (ECtHR October 20, 2011).<https://hudoc.echr.coe.int/eng?i=001-107088>

behavior of state agencies and local self-government bodies, which must be taken into account in the future when adopting normative legal acts.

4. Conclusions

In the conditions of globalization, the issue of resource management should be considered as the management of natural, technological, infrastructural, financial, investment and human resources. The adoption of legal decisions in each of these areas determines their influence on the other ones. Thus, resources are a system within which the interaction of its elements is ensured. The mechanism for making legal and enforcement decisions in the field of resource management requires compliance with the following standards (requirements): decision-making in accordance with current legislation and the state's international obligations; the presence of the necessary, clearly defined competence of the body making the relevant decision; the validity of the need to make decisions (economic, environmental, scientific); assessment of risks and consequences of the regulatory impact of decisions made; consideration of legality criteria developed by case law. Adherence to the established guidelines of legality and efficiency will ensure the achievement of the goals of sustainable development. These seemingly axiomatic principles are new and require adaptation to changing conditions, and are part of Ukraine's obligations to the European Union. However, the experience of European states shows only partial implementation of the identified principles in practical activities for adoption in the field of resource management, which causes migration problems, protests by agricultural producers, problems in the energy sector, etc. This necessitates further research in this area.

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