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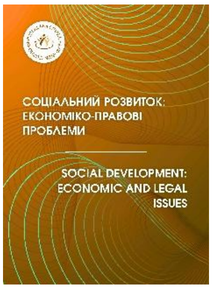

Constitutional, Legal and European Foundations of State Regulation of Ukraine's Economy

Vasyl Slipeniuk [1] * ● Volodymyr Marushchak [2] ● Mykola Mykolaichuk [3]

[1] *Odesa Polytechnic National University (Ukraine). Associate Professor at the Department of Public Service and Law, PhD in Law.*

[2] *Odesa Polytechnic National University (Ukraine). Professor at the Department of Public Service and Law, Doctor of Sciences in Public Administration, Professor.*

[3] *Odesa Polytechnic National University (Ukraine). Head of the Department of Public Administration and Regional Studies, Doctor of Sciences in Public Administration, Professor.*

* ***Corresponding Author,*** e-mail: v.slipeniuk@gmail.com

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ABSTRACT

The full-scale military aggression against Ukraine has necessitated a reconsideration of the role of the economic system as the material foundation for the state's vital activities and defense capacity. Ensuring national security under martial law requires prompt and balanced state regulation, which simultaneously must align with European integration processes and commitments regarding the harmonization of domestic legislation with the legal system of the European Union. The purpose of the article is a comprehensive study of the constitutional and European foundations of regulating the economy of Ukraine, as well as the substantiation of legal mechanisms for post-war recovery that would simultaneously ensure national security and meet the criteria for EU membership. The authors found that the national model of economic regulation is based on Articles 13, 15, 17, and 42 of the Constitution of Ukraine, which establish a threefold foundation: freedom of enterprise, economic diversity, human-centricity, and the imperative of economic security as a component of state defense. It is established that under martial law, these constitutional principles are transformed through special legal regimes, where direct administrative intervention is balanced by anti-crisis instruments (automation of registration, relocation, the institute of force majeure). At the European level, the doctrine of "social market economy" (Article 3 of the TEU) and the norms of Articles 101-109 of the TFEU, which limit state aid to protect competition, are analyzed. The role of European competition law and national legislation on state aid is substantiated as a key factor in ensuring market transparency and limiting selective administrative intervention. Based on the results of the study, it is proven that the optimal legal model for the economic development of Ukraine in contemporary conditions lies in a rational combination of mobilization and liberal instruments. Direct methods of administrative control and the narrowing of economic freedom are legitimate solely for reasons of national security protection, whereas indirect fiscal and monetary levers must consistently transform into alignment with the regulatory framework of the European Union.

KEYWORDS

constitutional and legal foundations, EU law, state regulation, economy of Ukraine, European integration, martial law.

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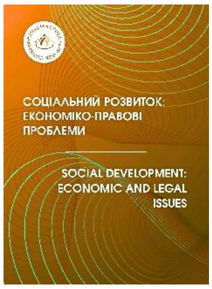

Конституційно-правові та європейські засади державного регулювання економіки України

Василь В. Сліпенюк [1] * Володимир П. Марущак [2]
Микола М. Миколайчук [3]

[1] *Національний університет «Одеська політехніка» (Україна). Доцент кафедри економічної публічної служби та права, д-р філософії за спеціальністю 081 Право.*

[2] *Національний університет «Одеська політехніка» (Україна). Професор кафедри публічної служби та права, д-р держ. упр., професор.*

[3] *Національний університет «Одеська політехніка» (Україна). Завідувач кафедри публічного управління та регіоналістики, д-р держ. упр., професор.*

*** *Автор-кореспондент,*** e-mail: v.slipeniuk@gmail.com

СТАТТЯ

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АНОТАЦІЯ

Повномасштабна військова агресія проти України зумовила необхідність переосмислення ролі економічної системи як матеріального базису життєдіяльності та обороноздатності держави. Забезпечення національної безпеки в умовах воєнного стану вимагає оперативного й збалансованого державного регулювання, яке водночас має узгоджуватися із процесами європейської інтеграції та зобов'язаннями щодо гармонізації вітчизняного законодавства із правовою системою Європейського Союзу. Метою статті є комплексне дослідження конституційних та європейських засад регулювання економіки України, а також обґрунтування правових механізмів повоєнного відновлення, які б одночасно забезпечували національну безпеку та відповідали критеріям членства в ЄС. Авторами з'ясовано, що національна модель регулювання економіки базується на ст.ст.13, 15, 17 та 42 Конституції України, які закріплюють триєдину основу: свободу підприємництва, економічну багатоманітність, людиноцентричність та імператив економічної безпеки як складової оборони держави. Досліджено, що в умовах воєнного стану ці конституційні засади трансформуються через спеціальні правові режими, де пряме адміністративне втручання балансується антикризовими інструментами (автоматизація реєстрації, релокація, інститут форс-мажору). На європейському рівні проаналізовано доктрину «соціальної ринкової економіки» (ст.3 ДЄС) та норми ст.ст.101-109 ДФЄС, які обмежують державну допомогу задля захисту конкуренції. Обґрунтовано роль норм європейського конкурентного права та національного законодавства про державну допомогу як ключових чинників забезпечення прозорості ринку й обмеження вибіркового адміністративного втручання. За результатами проведеного дослідження, доведено, що оптимальна правова модель економічного розвитку України в сучасних умовах полягає в раціональному поєднанні мобілізаційних та ліберальних інструментів. Прямі методи адміністративного контролю та звуження господарської свободи є правомірними виключно з міркувань захисту національної безпеки, тоді як непрямі фіскальні та грошово-кредитні важелі мають послідовно трансформуватися відповідно до нормативного масиву Європейського Союзу..

КЛЮЧОВІ СЛОВА

конституційно-правові засади, право ЄС, державне регулювання, економіка України, європейська інтеграція, воєнний стан.

1. Introduction

The full-scale military aggression of the Russian Federation against Ukraine has brought to the fore the issue of rethinking the fundamental role of the economic system as the material basis of the state's life. Economic potential during martial law acts not only as a guarantor of the material and technical support of the defense capability of the Armed Forces of Ukraine, but also as a key factor in maintaining social stability, the functioning of critical infrastructure and the preservation of the life of the rear in general. The sustainability of the national economy is the foundation of the state's ability to withstand challenges to its existence, ensuring internal security and creating a financial and material basis for further post-war recovery. In view of the above, there is an objective need for balanced state regulation of economic processes, which, on the one hand, must promptly respond to the destructive factors of wartime, and on the other hand, be based on unshakable constitutional and legal principles that guarantee the protection of the rights of business entities and national interests.

At the same time, state regulation of the economy of Ukraine at the present stage cannot be formed in isolation from regional integration processes. Ukraine's acquisition of the status of a candidate country for accession to the European Union imposes clear international legal obligations on the domestic legislator to harmonize the national legal order with the EU legal system. The processes of adaptation of legislation in the field of business are significantly accelerated, requiring the implementation of European standards of competition, transparency and legal certainty even under the conditions of the legal regime of martial law. Therefore, there is a situation in which the strengthening of imperative methods of the state to ensure the mobilization capacity of the economy must correlate with the liberal standards of EU law.

The above determines the need to form new conceptual approaches to the constitutional and legal regulation of the economy of Ukraine for the future victory in the war and post-war recovery, where European integration acts as both a vector of development and a regulatory limiter for excessive intervention in the economy.

2. Literature Review

The disclosure of the issues of constitutional and legal principles of state regulation of the economy of Ukraine under martial law and European integration processes is carried out within the framework of several key scientific discourses. A significant part of scientific works is focused on studying the basic aspects of ensuring the economic sovereignty of the state during hostilities. In particular, Yu. Bilousov, I. Yakovyuk and K. Efremova and other authors [3, 28] thoroughly analyze the mechanisms for strengthening the stability of state institutions, emphasizing that maintaining economic self-sufficiency is a critical element of general security. In the same context, scientists separately study European integration as a complex challenge for the implementation of classical state sovereignty in the economic sphere, which actualizes the need to find a balance between national interests and international obligations.

Also, many works are aimed at studying applied financial, economic and legal mechanisms for adapting business entities to the security challenges of wartime, in particular through the tools of relocation and digitalization. In particular, the legal levers of moving enterprises in Ukraine and beyond, as well as their direct impact on ensuring the socio-economic and labor rights of citizens, are covered in detail in the works of O. Rozgon, A. Zelisko and V. Piddubnoi [18], as well as in joint studies by O. Barabash, M. Samchenko, K. Dobkina and V. Ozel [2]. At the same time, the success of such adaptation and the adoption of effective investment decisions in crisis conditions directly depend on the information and analytical support of business processes, which has been thoroughly proven by N. Vnukova, I. Alekseenko and S. Lelyuk [27]. In the same context of modernizing the business support infrastructure, the digitalization of the regulatory environment is of particular importance. O. Dmytruk, D. Kobylnyk, O. Sereda, A. Isayev and A. Kotenko [8] substantiate the need to improve the regulatory framework for the implementation of financial and fiscal innovations, and the issue of overcoming the consequences of martial law by adapting tax mechanisms in the context of digital transformations is further disclosed in the works of O. Dmytruk, O. Sereda, K. Tokarieva and colleagues [9]. These tools, in their combination, form an operational basis for the survival and restoration of the real sector of the economy. A separate group of studies is devoted to innovative development, industrial policy and the implementation of EU standards. The issues of high-tech exports and determinants of innovation policy in Ukraine and the EU are highlighted by I. Matyushenko, O. Khanova, S. Khlibko [14, 15], etc. An important contribution to the understanding of the legal regulation of small and medium-sized businesses in EU law was made by O. Davydyuk, G. Shovkoplyas and V. Usaty [6, 7].

Despite the significant scientific achievements of the above-mentioned authors, we state that the complex combination of constitutional and legal imperatives and European standards of state regulation of the economy of Ukraine in conditions of prolonged martial law and European integration processes still requires a holistic theoretical and methodological justification.

3. Problem Statement

The transformation of the system of state regulation of the economy of Ukraine at the present stage is due to two opposite in their legal nature factors: the legal regime of martial law and the process of gaining full membership in the European Union. On the one hand, the large-scale destruction of industrial potential, the need to finance the defense sector and the forced relocation of business entities require state authorities to use strict instruments of centralized management, operational intervention in economic processes and increased tax and budgetary burden. On the other hand, the fulfillment of international legal obligations within the framework of the European integration course requires mandatory compliance with the standards of the acquis Communautaire, which are based on the principles of free competition, transparency, the rule of law and limitation of administrative influence on business.

The presence of an outlined contradiction between the mobilization needs of the state and the liberal requirements of the European legal order determines the need to find a balanced legal model of development. In view of this, the purpose of the article is to conduct a comprehensive study of the constitutional and European principles of regulating the economy of Ukraine, as well as to substantiate the legal mechanisms of post-war reconstruction that would simultaneously ensure national security and meet the criteria for EU membership.

4. Methods and Materials

In the course of the study, general scientific and special methods were used, which made it possible to carry out a comprehensive analysis of the issues of constitutional and legal and European principles of state regulation of the economy of Ukraine. In particular, the dialectical method was used, which allowed us to consider the processes of state regulation of the economy in the dynamics of their development, from the stable functioning of market institutions in peacetime to the transformation of management levers under the influence of the legal regime of martial law and European integration requirements. The method of analysis and synthesis was used to study the structure of the regulatory and legal framework that determines the economic policy of the state. The assessment of the compliance of domestic economic legislation with the standards of the European Union was carried out using the comparative legal method.

Thanks to the system method, the mechanism of state regulation of the economy was considered as a multi-component system that encompasses constitutional guarantees, institutional capabilities of government bodies and the real sector of the economy. The formal-legal method was applied during the analysis of the direct content of regulatory acts, the determination of the legal limits of state intervention in economic processes and the establishment of the legality of restrictions on property rights and freedom of entrepreneurial activity in a special period. At the final stage, the generalization method was used to form practical recommendations for the modernization of constitutional and legal instruments of business support.

The empirical basis of the study was formed by an array of primary sources, which covers the national legislation of Ukraine and the regulatory acts of the European Union.

5. Results and Discussion

The economy is, by its very nature, the fundamental basis of the life of any society, as it forms the financial and material basis for the state to implement its key functions. Economic potential directly affects social stability, the standard of living of citizens and general security. With the development of social relations, the complication of production processes and the strengthening of the social orientation of states, its role only grows, which determines the constant scientific interest in the issues of organization and support.

Market mechanisms independently regulate supply and demand, but the market is unable to solve complex social problems. Focusing exclusively on market instruments often provokes crises, increases inequality and prevents the full protection of public interests. That is why the state is forced to take on some of the regulatory functions. Today, the formation of its own economic policy is the practice of the absolute majority of countries. State intervention becomes critically necessary during crises, when market self-regulation loses its effectiveness and requires external adjustment to protect national interests.

To perform its functions, the state uses a complex regulatory system, which includes two main types of mechanisms: direct and indirect.

Direct mechanisms involve direct power influence on economic relations and are the most widespread due to their effectiveness. The main form of such influence is the economic activity of the state itself through the state sector of the economy. The state can independently provide loans, take equity participation in companies or act as a direct owner of enterprises, especially in strategic industries that require significant investments (nuclear energy, air and sea transport). Direct intervention is also embodied in the adoption of regulatory legal acts that establish mandatory rules of conduct and streamline the market system. This also includes methods of direct financing of priority industries through subventions, subsidies and grants.

In turn, indirect mechanisms allow achieving the set goals without direct administrative intervention, relying on the natural laws of the functioning of the national economy. The latter are aimed at supporting employment, stimulating exports, stabilizing pricing and supporting investments. The main tools here are fiscal policy through the state budget, changing its revenue and expenditure parts, and monetary policy through the regulation of money circulation.

The application of the above mechanisms cannot be chaotic and requires clear regulation. In addition, the transition of society to a new quality of economic relations requires effective legal rules that would be followed by all market participants, and it is the state that becomes the key subject of this transition. In such periods, legal regulation logically strengthens, and constitutional law acquires special importance. The Basic Law establishes the fundamental principles of the economy, fixes the rules for the functioning of the economic mechanism and balances the interests of various social groups, determining their legal status in the system of social production [10, p. 33].

Constitutionalizing the economic system does not simply limit state intervention, but changes the vector of legal policy. Evaluating this process, V. Tatsii rightly noted that “for true democratic transformations in Ukrainian society, its economic and legal spheres, a fundamentally new state legal policy is necessary. At its center should be a person and a citizen as a key participant in civil society, a driver of economic development and the main subject of private law relations” [19, p.17]. Constitutional requirements should harmonize public interests with human rights, forming a human-centric model of management.

The above reflects the general development of world constitutionalism. As I. S. Pustovalova points out, “starting with the third generation constitutions adopted at the end of World War II, the economic policy of the state has occupied a significant place in the structure of basic laws, where the presence of special chapters and sections has become a general rule. Modern constitutions, regardless of the form of the state and the degree of their economic development, clearly normatively establish the architecture of economic life: they define the goals and objectives of the state’s economic policy; establish the priorities of the state’s economic policy and its individual subspecies; determine key sectors of the economy that require state support; establish the limits of state intervention in the economic system; establish the state’s initiative in the economic sphere and the mandatory existence of an economic policy; provide some of the most important instruments of state economic policy, and also create an institutional mechanism for developing and implementing the state’s economic policy” [17, p.74].

Such a detailing of economic issues indicates a change in the functions of public authorities at the macro level. According to the correct observations of K.A. Babenko, “the consolidation of the principles of the economic system in constitutions is a common practice of modern states, although in different countries the corresponding sections may have different names. At the constitutional level, a global transformation of the state’s role in the economic sphere has taken place – the state has acquired greater activity and new regulatory powers. In particular, this concerns the protection of competition, counteraction to monopolization, support for domestic producers, stimulation of economic growth, regulation of income distribution and implementation of socially oriented budget policy. Thus, the inclusion in new constitutions of provisions on the regulation of economic relations has become a natural consequence of general social changes in many countries of the world" [1].

Our state is no exception. The national model of state and legal influence on the economy is clearly traced in the norms of the Constitution of Ukraine. The basic guidelines are laid down in Section I, which defines the principles of the constitutional system. In particular, according to Article 13 of this act, "the state ensures the protection of the rights of all subjects of property and business, the social orientation of the economy; at the same time, all subjects of property are equal before the law" [23]. This norm establishes fundamental parity between the public interests of society and the private interests of the individual. A logical continuation of this principle is Article 15 of the Constitution of Ukraine, which declares that "social life in Ukraine is based on the principles of political, economic and ideological diversity" [23]. At the same time, economic diversity excludes the possibility of establishing a state monopoly on market relations and guarantees freedom of choice of forms and methods of management.

At the same time, in the conditions of modern crises, the constitutional principles of the economic system acquire a pronounced security imperative. Article 17 of the Fundamental Law of Ukraine clearly states that the protection of the sovereignty and territorial integrity of Ukraine, ensuring its economic and information security, are the most important functions of the state, the business of the entire Ukrainian people [23]. The introduction of the category of "economic security" at the constitutional level indicates that the stability of the economic system is considered by the legislator not as an isolated commercial indicator, but as an integral element of overall national security and defense.

A systematic analysis of constitutional provisions allows us to assert that the above-mentioned general principles are specified in special norms that directly regulate the boundaries and instruments of state regulation. Thus, Article 42 of the Constitution of Ukraine, on the one hand, guarantees the right of everyone to engage in entrepreneurial activity that is not prohibited by law, and on the other hand, imposes on the state the obligation to ensure the protection of competition in entrepreneurial activity. This article also defines a clear prohibition on the abuse of a monopoly position in the market, unlawful restriction of competition and unfair competition, which determines the role of the state as a regulator-arbitrator, designed to maintain market balance [23].

An important element of constitutional and legal principles is strict adherence to the principle of legal certainty and the distribution of powers in the economic sphere. According to clauses 7, 8, part 1, article 92 of the Fundamental Law of Ukraine, the legal principles and guarantees of entrepreneurship, competition rules and antitrust regulations, as well as the legal regime of property, are determined exclusively by the laws of Ukraine. The corresponding regulation makes it impossible to replace legislative acts with subordinate normative acts of executive bodies in key issues of economic life. The direct implementation of the economic policy determined by laws is entrusted to the highest body in the system of executive bodies. According to Article 116 of the Constitution of Ukraine, the Cabinet of Ministers of Ukraine ensures the implementation of financial, monetary, price, investment and tax policies, as well as develops and implements national economic development programs [23].

Analysis of the above provisions allows us to conclude that the constitutional and legal principles of state regulation of the economy of Ukraine are based on a threefold basis: freedom of entrepreneurship and equality of forms of ownership; mandatory provision of economic security (in particular, its mobilization potential); human-centricity and social orientation of business results.

Today, in conditions of prolonged martial law and European integration, this model is being transformed. The corresponding changes are primarily manifested through the introduction of special legal regimes, since economic activity in a special period is subject to specific imperatives of protecting sovereignty. As L.O. Pankova and O.V. rightly point out, Gutsalyuk "a special regime of economic activity in martial law conditions is characterized by three defining features: first, it is introduced to achieve a special goal – ensuring the protection of sovereignty, territorial integrity and inviolability of Ukraine, the establishment and provision of human rights and freedoms; second, it is carried out exclusively under the conditions of a special period (during mobilization, during martial law and/or wartime, as well as partially during the reconstruction period); third, it provides for the implementation of special legal norms that replace general norms, since the potential of the latter to achieve the goals of state defense is insufficient" [16, p.222]. In these crisis circumstances, inter-economic cooperation and consolidation of the efforts of entities on regional or industry grounds become a significant factor in business survival.

The adaptation of the legal mechanism also affected the procedure for legalizing market entities, leading to significant features of registration actions under martial law. Initially, the functioning of basic institutional registers was limited, and profile procedures were regulated by the Resolution of the Cabinet of Ministers of Ukraine dated March 6, 2022, No. 209 "Some issues of state registration and functioning of unified and state registers, the holder of which is the Ministry of Justice, under martial law" [4]. This act clearly detailed the algorithm for submitting documents (including electronic forms using a qualified electronic signature) and interacting with state statistics bodies for inclusion in the Unified State Register of Legal Entities and obtaining an identification code. In order to prevent the unlawful alienation of corporate rights, the legislative framework was modernized by the Law of Ukraine dated May 12, 2022, No. 2255-IX "On Amendments to Certain Laws of Ukraine on Improving the Mechanism for Counteracting Raids" [26]. This law laid the foundations for the automation of registration procedures through the Unified State Web Portal of Electronic Services, allowing the creation of individual entrepreneurs, changes in information and registration of the creation of legal entities based on a model charter without the direct participation of the state registrar. At the same time, the law established strict territorial restrictions: state registration of a change in the location of a legal entity is prohibited, as a result of which the new address will belong to the territories where active hostilities are being conducted or to temporarily occupied territories. A separate regulatory challenge was the massive failure to fulfill obligations due to hostilities, which actualized the institution of force majeure circumstances. Since national legislation does not provide for automatic certification of force majeure purely based on the introduction of martial law without the presence of a causal connection in each specific situation, there was a need for official clarification. Given this, the Chamber of Commerce and Industry of Ukraine published an official letter recognizing the war as force majeure, stating: "Given this, the Ukrainian Chamber of Commerce and Industry confirms that the above circumstances from February 24, 2022 until their official end are extraordinary, unavoidable and objective circumstances for business entities and/or individuals under a contract, individual tax and/or other obligations/obligations, the performance of which occurred in accordance with the terms of the contract, agreement, legislative or other regulatory acts and the performance of which accordingly became impossible within the established period due to the occurrence of such force majeure circumstances (force majeure circumstances)" [20]. In the context of law enforcement, it is important to emphasize that the effect of force majeure does not cancel the contractual obligation itself, but only exempts from liability for delay in its performance in the form of penalties. Moreover, martial law is not a universal legitimate reason for non-fulfillment of the terms of a contract if the existing circumstances do not objectively prevent the parties from fulfilling their obligations.

For business entities that found themselves in an immediate danger zone, the key tool for preserving assets, restoring production facilities, and maintaining jobs has become the relocation of businesses to safe regions of the country or abroad. State support for this process is enshrined in the Resolution of the Cabinet of Ministers of Ukraine on the specifics of the work of JSC Ukrposhta under martial law, which provided for free transportation of property of enterprises according to the lists of the Ministry of Economy. In addition, the Government launched a single digital interaction platform based on the SE Prozorro. Sales with the support of the Ministry of Digital Affairs and the Diya.Business project. In scientific discourse, the relocation of corporate structures is considered not only as an economic step, but also as a process that directly affects the provision of human rights (in particular, labor and socio-economic), since the resumption of activities in a new location is long and may create temporary obstacles to their full implementation. Along with this, as emphasized, "to ensure the conditions for the implementation of human rights and the development of the enterprise after relocation, it is necessary to take into account the following principles: the principle of the priority of human rights – based on which attention should be focused on creating the necessary conditions for the adaptation of individuals to a new place, identifying the material and non-material needs of employees, as well as creating conditions for the social activity of employees; the principle of proportionality – based on which compensation should be provided for the harm caused to the individual in relation to the advantages of business relocation (flexible wage systems, more favorable and safe working conditions, etc.); the principle of employee motivation – based on which the effective activity of the relocated enterprise will be stimulated" [2, p.33].

The transformation of the national model of state regulation of the economy under martial law is directly related to the integration of Ukraine into the European economic space. Gaining full membership in the European Union (EU) requires systematic harmonization of domestic legislation with the principles of the acquis Communautaire, which determine the limits of public intervention in economic processes. The contractual foundation of this process is the Association Agreement between Ukraine and the EU [24]. Its preamble states the commitment of the parties to the principles of a free market economy and sustainable democratic development.

Political association and economic integration in this context are clearly determined by progress in the approximation of legal systems. Article 3 of the Association Agreement determines that the principles of a free market economy, the rule of law, good governance, the fight against corruption and sustainable development are the basic principles for strengthening relations between the parties [24]. Based on Article 1(d) of the Agreement, the key goal of integration is to create a deep and comprehensive free trade area in accordance with the requirements of the World Trade Organization. The outlined model provides for a large-scale adaptation of national norms to EU law, investment stimulation and protection of competition as the main factors for the modernization of the economic complex.

These contractual obligations correlate with the doctrine of the “social market economy” enshrined in Article 3 of the Treaty on European Union [21]. It requires a balance between a competitive environment and social progress, which reflects the triune basis of Ukrainian constitutionalism. At the same time, EU law limits market distortions through selective support instruments for Member States. The normative basis of European competition law is formed by Articles 101-109 of the Treaty on the Functioning of the European Union (TFEU) [22]. Article 107 TFEU establishes a general prohibition on the provision of state aid that may distort competition by granting preferences to certain entities or sectors. The exceptions provided for in paragraphs 2 and 3 of this articles are clearly limited to cases of overcoming the consequences of a natural disaster, resolving serious economic disturbances, or supporting depressed regions. The implementation of these provisions in the Law of Ukraine “On State Aid to Economic Entities” is a mandatory criterion for the transparency of the allocation of budgetary resources and the attraction of foreign investment [25].

It is also worth noting that modern European principles of economic regulation have significantly shifted towards ensuring technological sovereignty and environmental safety. Regulation (EU) 2024/1252 establishing a framework for ensuring a secure and sustainable supply of critical raw materials places obligations on national governments to monitor supply chains, stimulate geological exploration and simplify permit procedures for strategic industrial projects [13]. At the same time, Regulation (EU) 2023/956 establishing a carbon border adjustment mechanism introduces new fiscal instruments in the field of foreign trade [12]. For Ukrainian businesses, this Regulation creates an imperative requirement for accelerated decarbonization, since non-compliance with EU climate standards will block access to European markets.

EU regulatory policy is increasingly demonstrating a transition from classical monetarist laissez-faire to active coordination of national economies. The legal basis for such actions is Regulation (EU) 2021/241, which established the Recovery and Resilience Mechanism within the framework of the pan-European NextGenerationEU plan [11]. This act makes the provision of financing conditional on the mandatory implementation of structural reforms in the areas of digitalization and the “green” transition. The Ukraine Plan within the Ukraine Facility program for 2024-2027 [5] was built using a similar methodology. State regulation here is transformed into the implementation of a system of clear indicators covering public administration reform, anti-corruption policy, energy modernization and improvement of the business climate.

Thus, the European vector of legal development necessitates a fundamental revision of the methods of domestic state influence on the economy. The principles of economic management enshrined in the Association Agreement and acts of secondary EU law eliminate the practice of selective administrative intervention, instead offering legal instruments to ensure institutional stability, protect competition, and mobilize economic security.

6. Conclusions

A comprehensive study of the constitutional and European principles of regulating the economy of Ukraine shows that the national model of state and legal influence on the economic sphere is based on taking into account public and private interests. A systematic analysis of the provisions of the Constitution of Ukraine demonstrates the subordination of state regulation to a triune basis, which includes freedom of entrepreneurship and equality of forms of ownership, mandatory provision of economic security and mobilization potential, as well as human-centricity and social orientation of business results.

At the same time, the conditions of martial law have led to significant changes in the instruments within which the state balanced centralized pressure through the introduction of compensatory and anti-crisis mechanisms. In particular, registration actions have been automated and business interaction with state registers has been simplified based on relevant legislation, institutional protection has been introduced in the form of official certification of force majeure circumstances by the Chamber of Commerce and Industry of Ukraine for exemption from penalties without canceling the obligations themselves, and regulatory support for logistical and digital support for the relocation of enterprises has been formed, while adhering to the principles of the priority of human rights, proportionality and employee motivation. At the same time, the implementation of international legal obligations within the framework of the European integration course requires the imperative harmonization of domestic legislation with the doctrine of the social market economy and the principles of European Union law. European competition rules impose strict restrictions on direct state intervention and the use of selective market advantages of member states, which significantly actualizes the role of national legislation on state aid to business entities as a tool for market transparency. In view of the above, the optimal legal model of economic development of Ukraine provides for a combination of means of mobilization and liberal legal regulation, where the narrowing of economic freedom and the use of direct means of administrative control are legitimate solely for reasons of protecting national security, while indirect fiscal and monetary levers should be consistently transformed in accordance with the legal framework of the European Union.

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