

Review Paper

The Role of Organizational and Managerial Relations in the Formation of an Effective Organizational and Legal Structure of Enterprise Management under Martial Law in Ukraine

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ABSTRACT

Martial law constitutes a distinct period posing a potential threat to the advancement of the organizational and legal framework governing enterprise management. Primarily, this threat manifests in its adverse impact on the stability and security of an enterprise, as well as on decision-making processes and resilience in confronting diverse challenges. The objective of this article is to investigate the significance of organizational and managerial relations in shaping an efficient organizational and legal framework for enterprise management during the implementation of martial law in Ukraine. Martial law poses not only a challenge but also a tangible threat to the sustainability, security, and efficacy of enterprise management within any organizational framework. Simultaneously, organizational and managerial relations should serve to facilitate the formulation of strategies, the mitigation of risks, and the establishment of conditions conducive to the successful development of the enterprise. Furthermore, they play a pivotal role in expediting decision-making processes and the implementation of crisis measures when deemed necessary. Under martial law, the imperative to bolster business becomes paramount, representing a direct avenue to secure economic stability within the country. Within the framework of an effective organizational and legal management structure, organizational and managerial relations are anticipated to play a pivotal role in facilitating strategic planning, crisis management, security, and control measures, collaboration with governmental authorities, and information security protocols, as well as fostering mobility and adaptability to public life during the period of martial law. The article addresses the nuances of organizational and managerial relations concerning the establishment of an effective organizational and legal framework to facilitate the operations of an enterprise during martial law. The author delves into the distinctive aspects of entrepreneurial development under martial law in Ukraine. It is discerned that ongoing hostilities result in substantial daily losses for businesses, and the relocation of enterprises, though undertaken, does not comprehensively resolve all inherent challenges. Nevertheless, such relocations do impact the trajectory of development and the sustenance of domestic entrepreneurship. The author concludes that judicious decisions made by enterprise managers during martial law have the potential not only to preserve material resources but also to safeguard human capital.

HIGHLIGHTS

- A notable portion of businesses have been compelled to halt their operations, while others have incurred damage or faced destruction due to hostilities.

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- ① A myriad of issues emerged from Ukraine's diminished economic potential, encompassing disruptions in the supply of raw materials, risks to the life and health of personnel, logistical threats, and adverse effects on the export of goods.
- ② International support to play a crucial role in influencing this process and aiding the reconstruction of the state through financial assistance from both the aggressor and intergovernmental sources.

Keywords: Organizational and management relations, enterprise, martial law, economic stability

The reprehensible actions of the Russian Federation during the night of February 24, 2022, brought about a drastic upheaval in the routine lives of Ukrainians. No locality was spared from the impact of enemy missile strikes, and Ukrainian businesses were profoundly affected. Numerous enterprises found themselves situated in occupied territories, while others chose to permanently relocate from their original locales to sustain their operations and contribute to Ukraine's resistance against the hostile adversary. The repercussions of Russian aggression have been monumental, necessitating state intervention to provide support to strategically significant enterprises engaged in the production of essential goods essential for the well-being of the civilian populace, military requirements, and territorial defense.

It is noteworthy that during times of war, the collective effort should be directed towards the advancement of the state's economy. Regrettably, certain businesses situated in active conflict zones have faced irretrievable losses, obstruction, and plunder. Nevertheless, notwithstanding these challenges, some enterprises have successfully executed relocations, thereby partially sustaining employment for their workforce, ensuring the stability of wages, and contributing to local budgets through tax payments. This underscores once more the resilience of Ukrainians as an unconquered people, stressing the preservation of Ukrainian business not only as a primary state concern but also as a pivotal element for successful societal development and an avenue to expedite victory.

Literature Review

Limited scholarly attention has been directed towards exploring the role of organizational and managerial relations in shaping an efficient organizational and legal framework for enterprise management under martial law in Ukraine. This paucity of research is chiefly attributed to the underdeveloped nature of this subject matter. Nonetheless, it is imperative

to underscore the high relevance of this topic, demanding comprehensive examination within the context of martial law. Following the imposition of martial law by the President of Ukraine, a majority of enterprises found themselves compelled to adapt to a novel mode of survival. In his research, H.V. Zhosan delineates the nuances and circumstances surrounding business operations in Ukraine under martial law. Yu. I. Vozna undertakes an analysis of the primary foundations and expectations of businesses within the context of the deregulation of economic activities in Ukraine during times of war. L.M. Karpenko, M.M. Izh, and M.V. Horokhovskiy delve into a spectrum of issues elucidating the peculiarities of the state regulatory mechanism's implementation. A collaborative investigation by K. Grazhyn and D.M. Osypov is oriented towards identifying effective strategies for enterprises to navigate crises, formulate and execute anti-crisis strategies, and elevate the enterprise to a new developmental echelon.

Despite existing scientific research, the matter of delineating the role of organizational and managerial relations in shaping an effective organizational and legal framework for enterprise management under martial law in Ukraine remains unresolved.

The objective of this study is to provide a comprehensive characterization of the role played by organizational and managerial relations in the establishment of an effective organizational and legal structure for managing enterprises during the implementation of martial law in Ukraine.

Research Methods

The method of legal analysis is employed to examine the legislative approach governing the organization of enterprise management under martial law. This involves identifying legislative changes and approaches that impact the development of the business sector during periods of war. The method of comparison is utilized to assess the evolution of Ukrainian business both before the full-scale

invasion and following the imposition of martial law. This method facilitates an examination of the factors influencing changes in organizational and managerial conditions, as well as the reasons prompting relocation and re-profiling. The method of expert assessments incorporates opinions from experts spanning diverse fields, including economics, law, and the security sector. These experts offer their perspectives on the development and support of business activities under martial law.

RESULTS

The onset of a full-scale war resulted in the complete cessation of operations for nearly 75.8% of enterprises throughout Ukraine. The magnitude of the peril posed to the country's economy surpassed that faced by any other nation globally. This shutdown notably exacerbated shortages of essential goods, food, fuel, lubricants, and natural resources. Subsequently, following a period of recovery and careful deliberation of advantages and disadvantages, certain business entities commenced a gradual resumption of activities. Nevertheless, the proportion of non-operational businesses persisted at 54%. Notably, by the end of April and the beginning of May 2022, a subset of business entities emerged, demonstrating the ability, through effective organizational management, not only to restore pre-war revenues but also to augment them by 40% (State and Needs of Business in War: Results of the November 2022 Survey).

In his investigation, H. V. Zhosan underscores the adverse impact of the full-scale war on all categories of businesses that were operational before the comprehensive invasion. Certain businesses were compelled to cease operations through the process of liquidation. The liquidation procedure encompasses the termination of contractual relationships, encompassing agreements for the lease of premises, machinery, and equipment. Business proprietors who had leased premises, equipment, and machinery under contractual agreements were obligated to return these assets and premises in satisfactory condition. However, the dynamics of active hostilities altered this scenario, leading some landlords to exempt their tenants from the responsibility of compensating for damages, transferring such obligations to the state. The researcher posits that meticulous documentation,

including signatures and seals, is imperative for the careful recording of any damage and destruction. The regulation of this matter in the post-war period remains uncertain. Nevertheless, ongoing efforts are being made to devise an effective regulatory mechanism (Zhosan, 2022).

The strategic reorientation of businesses to align with the imperatives of the state's defense capabilities played a pivotal role in enabling Ukraine to withstand the initial days of the war without succumbing to breakdown. The majority of businesses situated in active conflict zones were compelled to endure the situation patiently until some semblance of stability was achieved. In certain sectors ensnared by the impact of hostilities, businesses successfully evacuated from their original territories. Consolidating their workforce and production equipment, these enterprises relocated to other regions within the country, sustaining effective operations while contributing to military efforts and supporting the broader economy. Several small and medium-sized businesses managed to independently resume operations, retaining their staff and customer base. However, some entities faced challenges in achieving full recovery without government intervention. Recognizing this, the government initiated various measures, including tax incentives, simplification or elimination of specific regulations, and, in some instances, the introduction of new legislative frameworks, particularly in the domain of labor relations (Vozna, 2023).

The objective of management during martial law entails identifying strategies and instruments to reinstate personnel and sustain the operations of enterprises. These instruments primarily encompass stabilization measures within the production process. This involves initiatives such as exploring new markets for finished products, optimizing logistics, streamlining product ranges, expediting decision-making processes, venturing into foreign markets, instituting flexible work schedules, implementing remote work, and other pertinent measures (Nazarko, Kantsur, Poznanska, 2022).

The circumstance concerning the sustenance of the sustainable development of enterprises continues to pose challenges, yet remains within the realm of manageability. Entities that aspired to maintain operations before the conflict are still

in operation, albeit some are compelled to modify their production volumes. The full-scale war has adversely affected the export of goods to other countries. Analytical studies reveal that, during January-May 2023, the export volume of goods experienced a decrease of 16,447,769.43772 thousand dollars USD. This signifies a noteworthy decline, exceeding 50% in comparison to preceding years (Commodity Structure of Foreign Trade of Ukraine, 2023).

Labor migration persists as a substantial threat to contemporary business, particularly exacerbated by the circumstances surrounding the full-scale invasion. A considerable number of able-bodied citizens successfully departed Ukraine at the onset of the conflict, relinquishing their employment positions. In his research, Ye. Yerfan highlights that as of 2020, approximately three million labor migrants were recorded in Ukraine. The advent of military operations and martial law compelled workers from diverse professions to seek refuge elsewhere, establishing Ukrainians as the primary contributors to the labor markets in Europe, America, and various other countries (Yerfan, 2023).

Among the most prominent challenges encountered by businesses during the wartime period, operational and human resources issues stand out prominently. Operational challenges encompass the ongoing activities of enterprises, specifically:

- ◆ Loss of suppliers.
- ◆ Logistic difficulties.
- ◆ Shortage of working capital.
- ◆ Decreased demand for manufactured goods.
- ◆ Destruction or damage to assets (Derkach, p. 213, 2022).

Businesses in Ukraine persist in confronting challenging circumstances. The state's mandate is to preserve these enterprises, alleviate the shock, and devise methods and strategies to reinstate their operations. It is noteworthy that following the full-scale invasion, merely 61% of businesses found it unnecessary to alter their legal or physical location, whereas the remainder recognized the imperative nature of such a step to ensure continued functionality (Murova, 2023). According to Ukrinform, Ukraine incurs daily expenditures of up to \$4 billion, with these costs linked to

the depletion of the state's economic potential (Ukrinform, 2022).

The repercussions of the challenges faced by Ukrainian enterprises manifested in workforce-related decisions. Specifically, the decline in orders and production volumes led to a workforce reduction, averaging 20% of employees. Additionally, 20% of the staff were placed on temporary leave, and 27% continued employment under the conditions of reduced wages (Shatska, p. 102, 2022).

A. Kuzmenko asserts that following the declaration of martial law in Ukraine, the operations of most enterprises were incapacitated due to diverse circumstances. The moral and psychological shock, coupled with the economic downturn in the industrial sector, constituted a sentiment that profoundly hindered the entire state and its society at the commencement of the full-scale invasion (Kuzmenko, 2022).

Primary challenges impeding business development in Ukraine encompass escalating prices for raw materials, goods, and supplies, impediments in the transportation of raw materials and finished products across the country, diminished demand for products, fuel shortages, and the onset of an energy crisis. The predominant factor contributing to the downturn in the development and functioning of enterprises is the peril posed to employees owing to the intensity of shelling. Missiles directed at civilian and critical infrastructure result in daily damages amounting to billions of hryvnias.

Nevertheless, while businesses may be subject to restoration to some extent, the labor force, namely employees, unfortunately, cannot be similarly restored. According to the monitoring group, since the full-scale invasion, 368 employees have suffered injuries in the course of their work due to hostilities, constituting 63% of the overall number of work-related injuries. Among these workers, 142 sustained life-threatening injuries, accounting for 61% of the total number of fatalities in the workplace (Bielousov, 2023).

The establishment of an effective organizational and legal structure for the management of enterprises under martial law in Ukraine is primarily undertaken to mitigate and minimize the hazardous consequences of military operations, alongside safeguarding the constitutional rights of employees.

The principal measures to preempt workplace incidents should focus on conducting briefings, maintaining oversight to ensure adherence to established safety protocols, and furnishing immediate first aid. Several measures are directed toward the prevention of accidents and other perilous situations that may arise during shelling or other war-related activities.

The organizational and legal framework of an enterprise necessitates assurance at the highest level. In pursuit of this objective, the State Labor Service of Ukraine has proffered recommendations for the amendment of the Cabinet of Ministers of Ukraine's Resolution titled "On Amendments to the Procedure for Investigation and Accounting of Accidents, Occupational Diseases, and Accidents at Work." These recommendations pertain to the undertakings of management structures within enterprises and personnel concerning the emergency action plan associated with the implementation of martial law in Ukraine.

The state plays a crucial role in facilitating the organization and operation of enterprises and their personnel. Consequently, the implementation of effective organizational and legal frameworks for protection becomes an integral aspect of their operations. One such organizational measure in enterprise activities during wartime is the provision of personal protective equipment (PPE) to employees. The responsibility for compliance with the Minimum Safety and Health Requirements for the use of PPE in the workplace, as approved by Order No. 1804 issued on 29.11.2018 by the Ministry of Social Policy of Ukraine, rests with the enterprise head, both in pre-war and wartime conditions. In light of the substantial threat to employees, company managers are obligated to furnish additional personal protective equipment, such as bulletproof vests, protective helmets, gas masks, etc., beyond established standards. For instance, media companies, when dispatching their employees to gather materials for reports, are required to provide correspondents with essential equipment (bulletproof vests, helmets, light-reflective tapes) to mitigate the risk of injuries and other harm during the execution of their professional duties.

The bolstering of Ukraine's economy stands as the paramount trajectory of the country's development. In alignment with this objective, the State Labor

Service of Ukraine underwent a profound shift in its approach to exercising its direct powers at the onset of the full-scale invasion. The primary objective of this regulatory body is to facilitate the organization of the production process, fortify the state economy, and curtail or entirely eliminate planned and unscheduled state supervision measures for the duration of martial law, as stipulated by the Resolution of the Cabinet of Ministers of Ukraine No. 303 dated 13.03.2022 (CMU No. 303, 2023).

As the safeguarding of employee safety falls within the purview of the state, several measures have been instituted to establish a mechanism for preserving the labor force. Notably, deregulation and the digitalization of business processes within the occupational health and safety management system represent noteworthy strides in this endeavor. As part of this initiative, the Ministry of Digital Transformation, in collaboration with the Ministry of Economy of Ukraine, delineated and executed an electronic document management system within the occupational health and safety management framework (Order of the Ministry of Economy "On Approval of the Procedure for Implementing Electronic Document Management in the Occupational Health and Safety Management System"). The regulatory legal act in question delineates the potentialities for organizing work within the occupational health and safety management system, specifically addressing the creation, sending, transmission, receipt, storage, processing, use, and destruction of various document types. These measures are oriented towards diminishing bureaucratic procedures, expediting decision-making processes, and redirecting employees towards more significant tasks rather than relying on postal services for document exchange. On average, the electronic document management process takes approximately 5 minutes, while the exchange of paper documents between business entities may extend to three, four, and sometimes even five days. Nevertheless, the adoption of electronic document management significantly enhances the operational efficiency of enterprises.

DISCUSSION

It is noteworthy that the strategies, orientations, and mechanisms for navigating through the crisis in the

business environment are idiosyncratic. They are subject to various influences, encompassing factors such as the nature of the business sector, the type of manufactured products, regional infrastructure, market conditions, the management system, and the efficacy of managerial decisions within a specific context. It is imperative to underscore that for effective crisis management within an enterprise under martial law, the implementation of anti-crisis measures is crucial not only in response to insurmountable consequences but also preemptively, before the onset of the crisis (K. Grazhyn, Osypov, p. 161-162, 2023).

It is crucial to underscore that businesses able to sustain operations following the full-scale invasion received government assistance. To fortify the economic stability of the country, President of Ukraine Volodymyr Zelenskyy, in collaboration with all central executive authorities, has formulated and is progressively implementing the Recovery Plan for Ukraine, comprising 850 projects. Among the nationwide measures, several components effectively contribute to the deregulation of business activities. A significant and impactful measure is the implementation of the Unified Register of Permits by the State Regulatory Service of Ukraine (Ukraine Recovery Plan, 2022).

It is noteworthy to emphasize that the establishment of such a register will contribute to the systematization of documents held by business

entities, enabling their digitization for archival purposes and facilitating the restoration of those lost due to hostilities. According to survey respondents, 60.5% anticipate a rather positive impact on business entities with the introduction of such a register, while 35.7% hold the opinion that the implemented register will not significantly improve the situation for business entities (Fig. 1). Additionally, 3.9% of respondents expressed concern that the register may lead to negative consequences, contending that bureaucratic procedures could impede its full development (Karpenko, Izh, Horokhovskyyi, p. 67, 2023).

Ukrainian scholars have elucidated that domestic legislation outlines several obligations for employers to implement measures ensuring safe and uninterrupted production conditions for their employees. The primary measures encompass:

- ◆ Prohibition of work or operation of equipment at industrial sites situated directly within areas of military operations or near them, posing a risk to the lives and health of employees.
- ◆ Collaborative inspections by employers, along with representatives of the State Emergency Service and the Ministry of Internal Affairs of Ukraine, to scrutinize enterprise territories and adjoining areas for shells and other explosive objects that could jeopardize employee safety before commencing work.

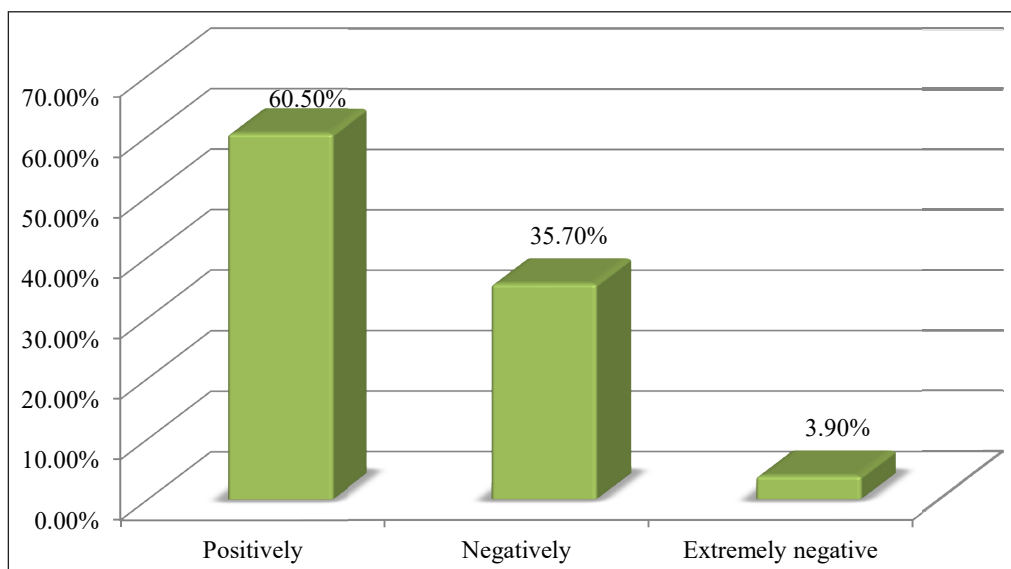


Fig. 1: The implementation of the Unified Register of Permits of the State Regulatory Service of Ukraine (Ukraine’s foreign trade in goods in January–August 2023 (2023)

- ♦ Organizing unscheduled safety briefings before undertaking work to educate officials on actions to be taken in the event of a threat to production personnel during hostilities (e.g., artillery shelling, bombing, etc.).
- ♦ Formulating an evacuation plan for personnel in response to circumstances arising from military operations.
- ♦ Ensuring the functionality of technical services in the event of occupational injuries resulting from the consequences of Russian aggression.
- ♦ Organizing the work process during daylight hours, and in situations necessitating artificial lighting, equipping workplaces with light-masking devices.
- ♦ Development of secure routes for the transportation of goods, equipment, and finished products through areas unaffected by gunfire and devoid of threats to contractors.
- ♦ Provision of warning signals such as “Air raid” and “Air raid cancel” to employees engaged in production.
- ♦ Supplying employees with suitable equipment, overalls, footwear, and other forms of individual or collective protective measures.

All these conditions not only constitute legal requirements but are also imperative necessities aimed at safeguarding the lives and health of employees.

CONCLUSION

The imposition of martial law has given rise to substantial challenges impacting the entirety of the business landscape in Ukraine. A notable portion of businesses have been compelled to halt their operations, while others have incurred damage or faced destruction due to hostilities. This distressing scenario has exerted a profound influence on the nation’s economy, with losses and destruction attaining an alarming scale. A myriad of issues emerged from Ukraine’s diminished economic potential, encompassing disruptions in the supply of raw materials, risks to the life and health of personnel, logistical threats, and adverse effects on the export of goods. The state has, to some extent, addressed certain aspects of these challenges. Nevertheless, the war persists, and each day the cunning adversary inflicts new

damage. Predicting the nature of post-war recovery is challenging, but international support is expected to play a crucial role in influencing this process and aiding the reconstruction of the state through financial assistance from both the aggressor and intergovernmental sources. Currently, the primary responsibility of employers is to exert every effort to retain their workforce, not only in physical terms but also by fostering encouragement for employees to refrain from migrating to foreign countries. Victory can be brought closer only through collective efforts and mutual assistance.

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