

## PECULIARITIES OF ECONOMIC ACTIVITY IN THE POSTWAR PERIOD

ОСОБЛИВОСТІ ЗДІЙСНЕННЯ ГОСПОДАРСЬКОЇ ДІЯЛЬНОСТІ  
У ПОВОЄННИЙ ПЕРІОД

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The article focuses on the issues of determining the specifics of economic activity in the post-war period. The issue of finding optimal ways to restore the economy of our country is already on the agenda of legislative and other authorities. It is obvious that the level of development of the economic system significantly affects the security of the state and the very possibility of its functioning as a full-fledged subject of the international community as a whole.

At the same time, we should fully agree with those researchers who see the future way of reforming the economic system of Ukraine through reformatting the mechanism of legal regulation of business activity in the post-war period. It seems that stimulating the resumption of entrepreneurship will create a multiplier effect both for the state as a whole and for various sectors of the economy in particular.

The main task of the state in the postwar period is to actively promote the development of entrepreneurship as one of the foundations for replenishing the revenue side of the State Budget. This task is not only theoretical but also practical.

An analysis of the current state of legal regulation of economic activity, as well as a detailed study of individual works by scholars who are specialists in this area, allows us to conclude that Ukrainian legislation does not reflect the mechanism for conducting economic activity under martial law. It should also be noted that there is no mechanism for legal support of the economic recovery of the State in the post-war period, since our State has not had such experience before.

Attention is focused on the experience of post-war economic recovery of foreign countries, in particular, Germany, Japan, Great Britain, Italy, etc. The example of Germany's recovery after the Second World War gives grounds to assert that the emphasis on stimulating entrepreneurial activity was quite the right step. This allowed for the so-called "economic miracle" to be created in this country: after the defeat in the war, this country was able to restore the pre-war level of the economy in a relatively short time and to enter the top ten strongest economies in the world at the moment.

The author proves that the most optimal model for reforming the mechanism of economic activity may be new forms of special economic regimes.

It is worth noting that it is necessary to develop our own conceptual framework for the restoration of the post-war economy of the state. Having studied the experience of other states, we should focus on formulating our own strategy, first of all, for the development of entrepreneurship, and model new tools for "launching" business after the war.

**Key words:** economic activity, post-war recovery, regime, legal regime, special legal regime.

Стаття присвячена проблематиці визначення особливостей здійснення господарської діяльності у післявоєнний період. Питання щодо пошуку оптимальних шляхів відновлення економіки нашої держави вже стоїть на порядку денному роботи законодавчих та інших органів влади. Очевидним є той факт, що рівень розвитку економічної системи суттєво впливає і на безпеку держави та на саму можливість її функціонування як повноцінного суб'єкта міжнародної спільноти в цілому.

При цьому варто повністю погодитись із тими дослідниками, які вбачають майбутній шлях реформування економічної системи України через переформатування механізму правового регулювання підприємницької діяльності у повоєнний період. Уявляється, що стимулювання поновлення обсягів підприємництва створить мультиплікаційний ефект як для держави в цілому, так і для різних галузей економіки зокрема.

Основним завданням держави у повоєнний період є активне сприяння розвитку підприємництва як одного з фундаментів поповнення дохідної частини Державного бюджету. Це завдання має не лише теоретичне, але й практичне значення. Аналіз сучасного стану правового регулювання господарської діяльності, а також детальне вивчення поодиноких праць вчених – фахівців у цій сфері дозволяє зробити висновки, що в українському законодавстві не знайшов своє відбиття механізм здійснення господарської діяльності в умовах воєнного стану. Також слід зазначити, що немає механізму правового забезпечення відновлення економіки держави у післявоєнний період, оскільки наша держава такого досвіду до цього не мала.

Акцентовано увагу на досвіді повоєнного відновлення економіки іноземних держав, зокрема, Німеччини, Японії, Великобританії, Італії тощо. Приклад відновлення Німеччини після Другої Світової війни дає підстави стверджувати, що акцент на стимулюванні саме підприємницької діяльності був цілком вірним кроком. Це дозволило створити в цій державі так зване «економічне диво»: після поразки у війні ця держава змогла у відносно стислі терміни не тільки відновити довоєнний рівень економіки, але і увійти до десятки найсильніших економік світу на даний момент.

Доведено, що найбільш оптимальною моделлю реформування механізму провадження господарської діяльності можуть стати нові форми спеціальних режимів господарювання.

Варто зауважити, що потрібно виробляти власні концептуальні засади для відновлення повоєнної економіки держави. Вивчивши досвід інших держав, слід зупинитись на формуванні власної стратегії, передусім, розвитку підприємництва, моделювати нові інструменти «запуску» бізнесу після закінчення війни.

**Ключові слова:** господарська діяльність, післявоєнне відновлення, режим, правовий режим, спеціальний правовий режим.

A pressing issue today is the problem of ensuring the recovery of our country's economic system in the postwar period. Today, its condition is assessed as critical: the energy infrastructure has suffered significant damage, air and sea transportation is blocked, the number of foreign economic transactions has fallen sharply, and, of course, the level of investment activity is approaching zero.

That is why we need to talk about creating a mechanism to restore the economic system and lay the conceptual

foundations for this both politically and legislatively. This issue is all the more urgent because the future of Ukraine as a state depends on the level of development of the state's economy and the presence of an innovative component: whether or not we will be on the world stage as an independent subject of international law.

It is obvious that a full recovery of the economic system is absolutely impossible without the creation of an effective mechanism for restoring business activity. Of course, it is also

necessary to create legal preconditions for entrepreneurs. That is why today there is an urgent need to revise the conditions for doing business. It seems that the best option to stimulate business development, especially against the backdrop of war, is to introduce special economic regimes.

The concept of a special economic regime is reflected in the works of A. Balian, A. Bobkova, O. Vinnik, O. Zeldina, R. Zimenkov, Y. Makohon, V. Mamutov, A. Matveev, V. Pyla, O. Podtserkovnyi, L. Taran and others. Their works investigated both theoretical issues of the content, features and types of special economic regime and the problems of functioning of various types of special economic regimes, for example, special regime of investment activity, special regime of innovation activity, etc.

Despite the fact that some legal scholars have studied the legal regulation of economic activity, at the present stage of development of our society, a radical rethinking of the format of economic activity in the post-war period is required. In fact, we have no experience of legal regulation of economic activity in such extremely difficult conditions, so this requires new research and revision of the very essence, place and role of economic activity in the state economy in accordance with the conditions of modern times. First of all, it is necessary to rethink the very content of this category in accordance with the requirements of wartime. At the same time, it is also important to identify special legal instruments that will help to stimulate various types of economic activity.

The purpose of this article is to reveal the essence and content of the category of economic activity in the post-war period, and to search for new tools to stimulate economic activity as an important part of the restoration of the entire economic system of the State.

An analysis of the historical experience of post-war reconstruction leads to the conclusion that the recovery of the economies of the countries that suffered from the negative impact of the war is carried out according to quite different recovery models. The global practice of such changes allows us to state that post-war reconstruction of economic systems worked as a multiplier effect for the socio-economic sphere and could become a powerful accelerator for further reformatting and development of economic systems. There are such examples in the world, in particular, the German and Japanese economic miracles that emerged against the backdrop of the postwar reconstruction of these countries.

First of all, it is worth mentioning the experience of such countries as Germany, Japan, Italy, France, Great Britain and other countries that suffered as a result of World War II. It is worth noting that almost every history of post-war reconstruction of countries began with the accumulation of "start-up capital" in the form of loans or grants. After the Second World War, the Marshall Plan [1] became such a support for the affected countries, and the money from it helped Europeans to restore production. Countries that were forced to refuse US money (Poland, Finland) tried to attract loans from IFIs.

The Marshall Plan was a program to support the economies of European countries that suffered as a result of World War II. It was implemented in 1948–1951 in accordance with the US Economic Cooperation Act. As a result, 13 European countries received economic support totaling \$13.3 billion (in today's equivalent, approximately \$169.5 billion).

The countries of Eastern Europe, East Germany, and Finland were forced to refuse the aid under pressure from the USSR.

Speaking specifically about Germany's experience, the emphasis was placed on the development of entrepreneurship. After the defeat in World War II, Germany was divided into 4 occupation zones controlled by the United States, Great Britain, France, and the Soviet Union. The economy was in a terrible state: high unemployment and inflation. On September 20, 1949, the Allies formed the Federal Republic of Germany (FRG) on the territory of the western occupation zones.

Konrad Adenauer became the first Chancellor of Germany, and Bavarian economist Ludwig Erhard became the first Minister of Economy. This is a vivid example of a scientist successfully putting his ideas into practice. He went down in history as the author of the German economic miracle [2].

As some scholars rightly point out, stimulating the effective development of small and medium-sized businesses is the basis for formulating plans for the reconstruction of Ukraine's national economy after the end of hostilities against Russian aggressors. At the same time, the main aspects of the impact of small and medium-sized businesses on the formation of an effective economic system of the state are as follows: job creation, innovation and technological renewal, regional development, development of local suppliers, social stability [3, p. 93-94].

It should be noted that the Ukrainian state has no similar experience of economic recovery (at least since independence). It is a misconception to believe that it will be possible to apply the experience of other countries in Ukraine, since each case is individual, the degree of "damage" to the economic system is also quite individual, and it is simply inappropriate and sometimes impossible to apply ready-made mechanisms for economic recovery.

That is why the state and, above all, the legal community are now faced with the task of developing several models of legal support for economic recovery after the end of the war. This task is acute, urgent, and crucial for the entire state.

First of all, it is about restoring the pre-war volume of economic activity. Of course, economic activity is regulated by the provisions of the Economic Code, the Civil Code and other legal acts of Ukraine. However, it is obvious that the "usual" mechanisms of legal regulation of economic activity will clearly not work for the post-war economy. At the very least, the economic system should be set completely different tasks for the "normal" operation and the launch of the post-war economy.

In fact, we are already facing a certain "window of opportunity" that will allow us to build our own special national model of economic recovery, taking into account both the experience of other countries and the specifics of the Ukrainian economy. Of course, the primary goal is to restore the pre-war level of Ukraine's economy. However, there is no point in focusing only on it. It is important to prioritize the global transformation of the socio-economic system with a revision of the system of challenges and threats in the new conditions of its functioning.

It is worth agreeing with the thesis that the development of private initiative and entrepreneurship in Ukraine is of priority in the context of confronting the centralized economy of the Russian Federation. After all, individualism, as the basis of a free society and competitive business, is the main force that can overcome totalitarianism.

In the context of rebuilding the post-war economic system, it is also important to study the experience of foreign countries in rebuilding their economies after major wars, as well as the possibility of adapting certain mechanisms to the situation in Ukraine.

First of all, it is worth noting that the most important task is to develop a strategy for the post-war recovery of the economic system and to enshrine it in law. The need for a conceptual vision of the process is an essential element of strategic planning. As Olena Snizhova rightly notes, this will not only allow to determine the ways to achieve strategic goals and mechanisms for transforming the country's socio-economic system in the process of post-war recovery, which are multilevel, but will also enable all potential stakeholders to assess their own capabilities and determine their investment positions [4, p. 22].

This strategy, in our opinion, should include the issue of balancing public and private interests, in particular, the interests of the state and the interests of investors, who

will obviously need to be involved in the process of economic recovery of our country. And, of course, guarantees to investors and the procedure for protecting their investments, as well as special conditions for conducting business in Ukraine in the context of the post-war economic recovery, should be enshrined in law.

Certain important legal prerequisites for regulating the process of conducting business during the martial law regime have already been made today. Thus, as early as March 18, 2022, in order to legally ensure the peculiarities of conducting economic activity during the legal regime of martial law, the Resolution of the Cabinet of Ministers of Ukraine "Some issues of ensuring the conduct of economic activity under martial law" № 314 was adopted [5].

The Government of Ukraine has implemented a policy of liberalization of state regulation of economic relations (deregulation) during martial law in order to ensure minimum opportunities for continuation of such activities in Ukraine. In particular, it was established that during the period of martial law, the right to conduct business activities may be acquired by business entities on the basis of a free of charge submission of a declaration on conducting business activities to licensing authorities, permitting authorities and public (electronic public) service providers, without obtaining permits (permits, licenses or other results of the provision of public services). In fact, the Government created an exceptional mechanism: it introduced the declarative principle in certain types of economic activity; exempted from payment of administrative and other fees; and abolished the obligation to obtain permits for the relevant types of economic activity.

At the same time, the list of types of economic activity to which such exemptions may not apply was defined. It can be stated that a special regime of economic activity under martial law has been introduced, as provided for by the provisions of the Economic Code of Ukraine.

However, it is important to agree with some scholars who emphasize certain disadvantages of introducing special economic regimes in order to at least partially "support" the economy during a full-scale war. Thus, one of the disadvantages of special economic regimes is obviously the lack of legislative consolidation of the possibility

of modeling new types of special economic regimes not provided for by commercial law. This becomes especially relevant in times of emergencies, martial law and other special events that require an unusual approach to solving the tasks at hand. Of course, in case of emergencies, a wider range of tools is needed to influence the format of economic activity [6, p. 144].

We should agree with Liliia Andrushchenko that the legal framework for economic activity under martial law is not fully developed today, contains many contradictions and needs to be finalized in order to ensure the interaction and functioning of all economic units, economic recovery and development. The adopted amendments to the legislation are aimed at encouraging business entities to develop and function effectively in the context of military aggression [7].

Another important aspect of the post-war economic recovery should be the identification of the main problems of the most affected regions of Ukraine and, accordingly, the introduction of special economic regimes in these areas, possibly the introduction of free economic zones, taking into account the needs of each particular region. In this context, it seems quite logical to apply the criteria for determining enterprises, institutions and organizations that are important for the sectors of the national economy, as set out in the Order of the Ministry of Economy of Ukraine of February 17, 2023 № 952 [8].

Finally, it is worth noting that it is necessary to develop our own conceptual framework for the restoration of the post-war economy of the state. The specifics of both the situation in Ukraine and the inability to calculate in detail the full extent of damage from Russian aggression today do not allow for the development of an effective mechanism for the post-war recovery of our country.

Having studied the experience of other countries, it is worth noting that the current situation in our country's economic system is unique. That is why there are no ready-made and effective models of Ukraine's recovery today. Therefore, in our opinion, we should focus on formulating our own strategy, primarily for the development of entrepreneurship, and modeling new tools for "launching" a business after the war.

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