

PROBLEMS OF THE IMPLEMENTATION OF ECONOMIC RIGHTS OF INTERNALLY DISPLACED PERSONS

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Abstract. In the conditions of martial law on the territory of Ukraine there is a need to develop an effective mechanism for exercising the rights of internally displaced persons. The problems of exercising economic rights, in particular, the problems in the field of realization of property rights by internally displaced persons, become especially relevant. The purpose of this article is to analyze research and the main provisions of regulations and draft laws relating to the implementation of economic rights of internally displaced persons. In the framework of this study, an analysis of the state of regulatory regulation of legal relations on selected topics. The existence of problems with the implementation of the Law of Ukraine «On Ensuring the Rights and Freedoms of Internally Displaced Persons» in the field of protection of property rights was identified, their importance and relevance were emphasized. It is established that the legislation of Ukraine in the field of legal regulation of property relations with the participation of internally displaced persons needs to be improved and appropriate changes made that will provide protection and additional guarantees for the exercise of property rights. In addition, the need to stimulate the realization of entrepreneurial and innovative potential was emphasized.

Keywords: internally displaced person, economic rights, martial law, occupied territories, property rights

Author contributions

The authors made an equal contribution to the article. Together they selected literature, analyzed it and drew common conclusions.

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INTRODUCTION

In the current realities of wartime, ensuring the protection of national interests and the implementation of appropriate legal measures is crucial, given that the armed aggression of the Russian Federation began with undeclared and covert invasions of the armed forces and other law enforcement agencies of the Russian Federation. and support for terrorist activities, and on February 24, 2022, it grew into a full-scale armed invasion of the sovereign territory of Ukraine. Therefore, there is a need for effective legal regulation of the temporarily occupied territories and the development of an effective mechanism to protect the rights of internally displaced persons. Therefore, a study on the economic rights of internally displaced persons, analysis of the main provisions of regulations and draft laws in the field of rights and freedoms of internally displaced persons, is necessary in order to identify the

main issues regarding the conditions of their implementation and provide specific practical recommendations (legislative proposals) to improve the existing legal framework and law enforcement practices in Ukraine to increase the level of protection of these categories of citizens.

The main problems with the protection of the rights of internally displaced persons are usually known: the implementation of relevant programs (implementation of relevant programs), the legal nature of regulations and low international standards in the field of human rights. and socio-economic nature (problems of financing planning, problems of exercising property rights by internally displaced persons).

Economic rights are no less important than others, because they are the means and opportunities of our full functioning and life in general. The Constitution of Ukraine speaks of freedom of entrepreneurial activity, and the legislation specifies this provision in more detail in the Civil and Commercial Codes of Ukraine, where freedom of entrepreneurial activity is defined as a basic principle (Rozghon, 2021). Therefore, in the framework of this study the main emphasis is placed on the problem of economic legal internally displaced persons, which are especially relevant in modern conditions.

LITERATURE REVIEW

Due to the relatively recent start of a full-scale war, issues related to legal regulation in temporarily occupied territories and territories in which hostilities do not pay sufficient attention. The basis of this study is a set of work, normative legal actions and relevant projects that cover key aspects of legal regulation and protection of internally displaced persons.

It is rightly defined that ensuring the rights of internally displaced persons is one of the important problems in Ukraine today, because there are often difficulties related to social benefits, social services, document renewal, subsidies, employment, housing, which our state must address, as it is responsible for protecting the rights of internally displaced persons (Tsymbalystyi & Blashchak, 2019).

Ilyashko O. analyzed the constitutional human rights in the temporarily occupied territories and determined that the interest in the subject of research is expressed by the essence of the function performed by the constitutional human rights in the temporarily occupied territories of Ukraine in the current conditions (Ilyashko, 2020).

It should be agreed that the settlement of armed conflict requires a comprehensive solution and participation of a number of institutions and bodies to ensure the rule of law, protect the interests of the state and citizens, overcome serious consequences (Evtushenko, 2015), so in the current situation in Ukraine it requires international humanitarian organizations, the scientific community and the full range of sources to overcome the effects of war and ensure effective legal regulation in martial law.

We also agree with O. Dufeniuk that Ukraine upholds and commits itself to European values in the field of human rights and freedoms, but does not or does not always carry out successful and not always well-thought-out reforms that could change the quality of life, to make effective the declared guarantees of rights and freedoms, to achieve harmonization not only of norms of values, but also norms of practice with international standards (Dufeniuk, 2021).

It should be noted that the vast majority of research within the selected topic is devoted to the implementation of the right to housing for internally displaced persons in Ukraine (Bobkova, 2017; Vynohradova, 2015; Dotsenko-Bilous, 2017; Danylova, 2017; Korshun, 2018; Podoliaka, 2018; Volkova, 2019). In particular, scholars mostly study the specifics of the right to housing and the construction of social housing for internally displaced persons.

Therefore, scientists correctly determine that the generalization of the conclusions of the study is mandatory acquisition of property in international legal doctrine and legislation separately countries, it should be noted: the processes of globalization determine the world harmonization of national legal systems of different countries and unification international legal principles (Kostruba, 2020).

N. Karpachova was comprehensive analysis of modern challenges to international security and the impact of these factors on the observance of human rights in Ukraine and conclude that the hostilities in the Donetsk region led to gross, massive, and systematic violations of human rights: residents of

the front-line territories were faced with two challenges at once – the danger that arises due to the impossibility of ensuring security in the immediate vicinity of the war zone and the increasing risks of poverty (Karpachova, 2021).

C. Lacatus made a comparative analysis of the formal institutional provisions that peace agreements make for human rights promotion and protection after the end of violent conflict, multi-level analysis of peace agreement provisions for international, regional, and national institutions used textual data from the PA-X peace agreements database to generate original quantitative data by identifying and coding the different roles that peace agreements grant to human rights institutions and the different types of human rights institutions that are prescribed in agreements (Lacatus & Nash, 2020).

At its core, peace building consists of a set of processes aimed at supporting and solidifying peace. More recently, peace building has also come to be associated with specific interventions to support democratization, economic growth, good governance, institutions, and human rights (Parlevliet, 2017).

Given the impact of martial law directly on all levels of security, it should be noted that of particular importance are studies that predict the greatest threats to Ukraine's economic security in the form of armed attack by the Russian Federation and temporary occupation of Ukraine, proposing appropriate measures to ensure economic security (including real and maximum provision of social and economic rights of citizens) (Yarmol, 2021). This emphasizes the urgency of considering the problems of realization of economic rights of citizens.

Thus, the realities of the military conflict confirm that the current complex socio-political and military the situation in Ukraine threatens its national security (Komisarov et al., 2018).

METODOLOGY

The methodological basis of the study is a set of general scientific and special scientific methods. The application of the dialectical method became the basis for the characterization of the relevant legal phenomena. Thanks to the formal-logical method, the main provisions of the current legislation are analyzed and proposals are made to improve certain provisions of regulations (their drafts) in the research area. The comparative legal method was useful for comparing the legal norms of the legislation of Ukraine and the relevant international legislation. The formal-logical method was used to determine the content of certain provisions of legislation - in particular, the Laws of Ukraine «On Ensuring the Rights and Freedoms of Internally Displaced Persons», «On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territories of Ukraine». The method of system-structural analysis was used in the formation of directions and structuring of the principles of legal regulation of the temporarily occupied territories.

The article uses the method of legal analysis, the application of which allows to provide a legal construction with improved the content of regulations.

The empirical basis of the study was the legal acts of Ukraine and the practice of their application in the regulation of temporarily occupied territories and internally displaced persons, sectoral legislation of Ukraine, European Union law, international law, which contains standards for legal regulation defined area of research.

RESULTS AND DISCUSSION

Special attention should be paid to the new information obtained during this study. Therefore, we provide and clearly present the analyzed results of the selected research topic, which are the basis of this article.

The list of human and civil rights and freedoms enshrined in the Constitution of Ukraine and other national legislation is universally recognized, the proper provision of their implementation, the creation of effective state mechanisms for their protection is a fundamental task for the state. It should be agreed that achieving this goal is difficult in those states where the socio-political and legal systems are undergoing significant transformations, especially acute this problem arises in a state of war. Human, his interests, rights and freedoms are the main object of economic, political and social

transformations in our country, which are determined by the strategic course of integration into the European and world democratic community.

In accordance with the Law of Ukraine «On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine» of April 15, 2014 № 1207-VII for natural person, regardless of their registration as internally displaced persons or their acquisition of special legal status, and legal entities retain the right of ownership, other real rights to property, including real estate, including land located in the temporarily occupied territory, if such property is acquired in accordance with the legislation of Ukraine. In addition, Ukraine undertakes to maintain and ensure economic, financial, political, social, informational, cultural and other ties with the citizens of Ukraine living in the temporarily occupied territory.

Also established at the level of law that Ukraine takes all possible measures provided by the Constitution and laws of Ukraine, international treaties, approved by the Verkhovna Rada of Ukraine, to prevent preconditions for forced internal displacement, protection and observance of rights and freedoms of internally displaced persons, creation of conditions for voluntary return of such persons to the abandoned place of residence or integration at the new place of residence in Ukraine (Law of Ukraine, №1706-VII).

The above obligation is directly provided for in the Law of Ukraine «On Ensuring the Rights and Freedoms of Internally Displaced Persons» of October 20, 2014 № 1706-VII, which is currently in force as of May 7, 2022, but unfortunately with the introduction of martial law affected only the order of labor relations, despite the existence of a wide range of pressing issues and related challenges of today. The law also does not provide clear guarantees in the field of realization by internally displaced persons of the right of ownership of their property, in particular what remains in their previous places of residence.

It should be agreed that there is no separate international convention on the rights of internally displaced persons. The main international standards on the rights and freedoms of internally displaced persons are the Guiding Principles on Internally Displaced Persons, developed by the Representative of the UN Secretary-General on Internally Displaced Persons in 1998. The main idea of the guiding principles is that national authorities have a duty and responsibility to provide legal protection and humanitarian assistance to internally displaced persons under its jurisdiction, and in cases where the state is unable to provide physical protection and assistance to its citizens, she must seek help and accept it from outside (Kaliushchenko, 2016).

Resolution of the Parliamentary Assembly of the Council of Europe 2133 (2016) «Remedies against human rights violations in Ukrainian territories beyond the control of the Ukrainian authorities» of 12 October 2016 confirmed that victims of human rights violations do not have effective domestic remedies: citizens Ukraine, living in the territory where the state authorities of Ukraine temporarily do not exercise their powers to ineffectively apply to «local courts»; Ukrainian courts in neighboring government-controlled territories to which Ukraine has jurisdiction over uncontrolled territories are inaccessible, so they cannot gain access to court cases remaining in territories where Ukraine's state authorities are temporarily out of power and enforce their decisions in these areas.

It is rightly noted that in the period before the imposition of martial law in Ukraine, the national concept of protection and restoration of property rights of internally displaced persons has not been effectively applied in Ukraine. It is fair to say that an important component of solving the problems of migrants is the rule-making activities of the Verkhovna Rada of Ukraine and other government agencies. The connection between effective (operational, high-quality, economically balanced, etc.) rule-making activities and the effectiveness of government agencies in solving the problems of internally displaced persons is clear (Voinalovych et al., 2014).

There are only certain provisions in Ukrainian law that are designed to protect certain rights of these individuals. In order to properly protect the property rights of internally displaced persons, it is necessary to improve Ukrainian legislation and apply world experience and European standards (Odyntsova, 2019).

Human rights and freedoms in the temporarily occupied territories of Ukraine are an integral part of the system of constitutional rights and freedoms of man and citizen. Guarantees of protection of

fundamental human rights and freedoms for any state striving for the development of civil society, building a legal and social state is a priority. Unfortunately, due to the military aggression of the Russian Federation, the annexation of the Autonomous Republic of Crimea, the resolution of the armed conflict, the issues of exercising, guaranteeing and ensuring the constitutional rights of man and citizen in Ukraine have become relevant.

Decree of the President of Ukraine «On the imposition of martial law in Ukraine» of February 24, 2022 № 64/2022, in connection with the military aggression of the Russian Federation against Ukraine, based on the proposal of the National Security and Defense Council of Ukraine, in accordance with the Constitution of Ukraine and the Law of Ukraine «On the Legal Regime of Martial Law» in Ukraine imposed martial law on February 24, 2022 for a period of 30 days. This martial law in Ukraine was extended from March 26, 2022 for a period of 30 days in accordance with the Presidential Decree «On the extension of martial law in Ukraine» of March 14, 2022 № 133/2022. Also by the Decree of the President of Ukraine «On extension of martial law in Ukraine» of April 18, 2022 № 259/2022 martial law in Ukraine was extended from 05 hours 30 minutes on April 25, 2022 for a period of 30 days. Subsequently, due to the ongoing large-scale armed aggression of the Russian Federation against Ukraine, the martial law in Ukraine was extended from 05:30 on May 25, 2022 for 90 days (Decree of the President of Ukraine, № 341/2022).

Thus, the structure of consideration of the peculiarities of legal regulation in this article is built according to the onset of the relevant periods - before the imposition of martial law in Ukraine and the period associated with the armed aggression of the Russian Federation against Ukraine's sovereignty and martial law in Ukraine.

It should be noted that before the imposition of martial law on the territory of Ukraine there were problematic issues regarding the legal regulation of the temporarily occupied territories, but now they are especially relevant in modern conditions. Over the years of countering Russian aggression, a number of basic laws have emerged that regulate state policy toward Crimea and Donetsk and Luhansk regions in one way or another. Their analysis shows the existence of inconsistencies in both timing and approach, and sporadic changes in them - the inconsistency of public policy. The right solution could be timely unification of approaches to regulating general aspects of state policy related to the temporarily occupied territories in Donetsk and Luhansk regions and the Crimea, as it is synchronized with the vector of Ukraine's foreign policy aimed at adopting the same actions of the Russian Federation these territories.

Thus, the draft Law of Ukraine «On the Principles of State Policy in Transition» of August 9, 2021 (registration № 5844) attempted to unify approaches to the temporarily occupied parts of Donetsk and Luhansk regions, and the Autonomous Republic of Crimea and the city of Sevastopol, which had the status of the temporarily occupied territories in which the occupation administrations of the Russian Federation operate. The bill proposed the division of regulation into conflict and post-conflict periods, which would determine a certain algorithm of state action during the reintegration of the temporarily occupied (deoccupied) territories and their inhabitants, deoccupation of the temporarily occupied territories, including demilitarization and dissolution.

However, given the current martial law in the country and the radical change in political conditions, the bill was withdrawn in accordance with the Resolution of the Verkhovna Rada of Ukraine «On the agenda of the seventh session of the Verkhovna Rada of Ukraine of the ninth convocation» of February 15, 2022 № 2035-IX (edition of April 21, 2022). However, the draft law outlines relevant aspects of legal regulation that are appropriate for retrospective consideration within the selected topic.

Resolution of the Verkhovna Rada of Ukraine of March 17, 2015 № 254-VIII recognized as temporarily occupied territories certain districts, cities, towns and villages of Donetsk and Luhansk regions, in which according to the Law of Ukraine «On Special Procedure of Local Self-Government in Certain Districts of Donetsk and Luhansk Oblasts» introduces a special procedure for local self-government until all illegal armed groups, Russian occupation forces, their military equipment, as well as militants and mercenaries are removed from Ukraine and full control of Ukraine is restored on Ukraine's state border.

On March 18, 2014, the Russian Federation announced the official incorporation of the Autonomous Republic of Crimea and the city of Sevastopol into the territory of the Russian Federation, thus recognizing itself as an occupying power responsible for the protection and observance of human rights in the above territories.

The provisions of the Law of Ukraine «On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine» define the following boundaries of the temporarily occupied territory (article 3):

1) the land territory of the Autonomous Republic of Crimea and the city of Sevastopol, the internal waters of Ukraine of these territories;

2) internal sea waters and territorial sea of Ukraine around the Crimean Peninsula, the territory of the exclusive (maritime) economic zone of Ukraine along the coast of the Crimean Peninsula and adjacent to the coast of the continental shelf of Ukraine, which has jurisdiction under international law Ukraine;

3) subsoil under the territories specified in paragraphs 1 and 2 of this part, and airspace over these territories.

Article 4 of the draft Law of Ukraine «On the Principles of State Policy of the Transition Period» provided a more extensive list of parts of the territory of Ukraine that belong to the temporarily occupied territories, namely:

1) the land territory of the Autonomous Republic of Crimea and the city of Sevastopol, the internal waters of Ukraine of these territories;

2) inland sea waters adjacent to the terrestrial territory defined in paragraph 1 of this part and the territorial sea of Ukraine around the Crimean Peninsula;

3) land territory within certain districts, cities, settlements and villages of Donetsk and Luhansk regions, internal waters of Ukraine of such territories;

4) inland sea waters adjacent to the land area defined in paragraph 3 of this part;

5) subsoil under the territories specified in paragraphs 1 to 4 of this part, and airspace over such territories.

In addition, it should be noted that article 4 of the draft states that the occupying forces, the occupying administrations of the Russian Federation have established and exercise control. That is, it is «control over the territory» by the occupying forces of the Russian Federation. However, in this draft Law the term «control» is used in article 5 and articles 25 and 30 in the meaning given in the Law of Ukraine «On Financial Services and State Regulation of Financial Services Markets» (control is the ability to exercise decisive influence on management and / or legal persons through direct and / or indirect ownership by one person alone or together with other persons of a share in a legal entity corresponding to the equivalent of 50 percent or more of the authorized capital and / or votes of a legal entity, or regardless of formal ownership in any other way). That is, he did not understand what control will be introduced and what role it is assigned because the term is no longer deciphered in detail in the text of the draft law and is used in another sense, such as «controlled territory», «temporarily occupied territories» within which the occupying forces, the occupation administrations of the Russian Federation have established and exercise control. Accordingly, there is «control over the territory» and there is «control over the activities of a legal entity». This could lead to problematic issues for the subjects and participants in the relationship in the application of this rule of law.

The resolution «The situation on the Ukrainian border and the Russian-occupied territories of Ukraine» (2021/3010(RSP)) states that the European Parliament supports the independence, sovereignty and territorial integrity of Ukraine within its internationally recognized borders. Thus, the European Parliament reaffirmed its strong support for the European Union's policy of non-recognition of the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol. Thus, the European Parliament condemns Russia's direct and indirect involvement in the armed conflict in eastern Ukraine, as well as the continuing human rights violations in those territories and in the annexed Crimea.

This is also very important with regard to human property rights. Because according to the provisions of article 1 of the Protocol to the Convention for the Protection of Human Rights and

Fundamental Freedoms, every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

We consider it necessary to emphasize that in the field of civil law on property rights it is necessary to take into account the above comments and suggestions that were relevant when considering the project Law of Ukraine «On Principles of State Policy in Transition» of August 9, 2021 and remain relevant in the current martial law, given the inevitable need for reconsideration and the need for this bill in the future, in the event of a transition period and the need to deoccupy the temporarily occupied territories, reintegrate such territories and their inhabitants, and help overcome the consequences of the Russian aggression against Ukraine.

At the same time, it should be emphasized that the main shortcoming of this bill is its selective nature and lack of detail in the regulation of property rights, regulation of these issues is very important and especially relevant in modern conditions. Thus, based on the title of the bill – «On the principles of state policy of transition», this law was to define the principles of state policy of transition and was aimed at unifying approaches to deoccupation of temporarily occupied territories, reintegration of such territories and their inhabitants. armed aggression of the Russian Federation against Ukraine and non-recurrence of occupation. At the same time, there is no article in the considered draft Law that would regulate the scope of the Law. Also, within the framework of this sphere of regulation, it is necessary to regulate the principles of state policy of the transition period with their further interpretation. In our opinion, the principles of state policy of the transition period should be: expediency, adequacy, efficiency, balance, predictability, which would provide additional basis for regulating the acquisition, exercise and protection of property rights in the transition period.

An important point in the policy of the transition period is a set of measures of the transition period, which includes legal protection, including for violations of property rights. The analyzed bill enshrines the concept of reintegration of temporarily occupied (deoccupied) territories and their inhabitants, namely, a set of transitional measures, including legal protection and compensation for damage caused by the armed aggression of the Russian Federation against Ukraine, restoration of sustainable economic and social cultural ties, adaptation to the peaceful life of citizens of Ukraine living in the temporarily occupied (deoccupied) territories, foreigners and stateless persons who are legally present in these territories. However, there are no provisions governing the procedure for «protection of property rights during the transition period».

In addition, it is important to note that the draft Law of Ukraine «On the Principles of Transitional State Policy» is designed to implement the Strategy of deoccupation and reintegration of the temporarily occupied territory of the Autonomous Republic of Crimea and Sevastopol, approved by Presidential Decree of March 24, 2021 № 117/2021. According to paragraph 35 of this Strategy, Ukraine uses all available international legal mechanisms to protect the property rights and interests of the state of Ukraine, its citizens and legal entities, raises in the prescribed manner in the courts of Ukraine and international courts to compensate for damages exercise of ownership of property located in the temporarily occupied territory, destruction or damage of such property in connection with the armed aggression of the Russian Federation, armed conflict, temporary occupation of the territory of Ukraine, paragraph 46 states that Ukraine constantly monitors the facts of illegal possession, use and disposal of the Russian Federation, its occupation administration of property, including land, various forms of ownership in the temporarily occupied territory and forms the evidence base to protect violated rights and legitimate interests in court, strengthening sanctions.

Therefore, we consider it necessary to develop appropriate rules that would regulate the procedure of «protection of property rights in transition», which is required due to the presence of property rights in the use of occupation forces and occupation administrations of the Russian Federation, including the Black Sea Fleet. also objects of property rights of the occupying forces and occupation administrations of the Russian Federation, including the Black Sea Fleet of the Russian Federation, which are located in the deoccupied territories (including those created after the beginning of the

temporary occupation). Persons subject to restrictions and violations of property rights must be guaranteed the right to defend and appeal against court decisions.

Thus, for effective legal regulation of problematic issues that may arise in the transition period, it is necessary to timely develop relevant legislation (provisions) that can solve the problems of legal protection of citizens of Ukraine and legal entities of Ukraine, rights and legitimate interests of property rights which were violated as a result of the armed aggression of the Russian Federation and the temporary occupation of the territory of Ukraine.

In accordance with the provisions of article 13 of the Constitution of Ukraine, the state ensures the protection of the rights of all subjects of property rights and management, the social orientation of the economy. All property rights are equal before the law. Thus, business entities of various forms of ownership can exercise economic powers on the basis of property relations and have the right to protect violated rights, unrecognized or disputed rights, freedoms or legitimate interests. Therefore, we believe that rights (for example, the right to housing), but the state must guarantee the realization of economic and civil rights.

Considering the problematic issues related to the realization of the economic rights of internally displaced persons, it is also necessary to emphasize the importance of issues related to the exercise of the right to entrepreneurial activity. The right to entrepreneurial activity is, first of all, the freedom to dispose of one's abilities to work, when everyone has the freedom to choose the type of activity or profession, freedom from unfair competition and protection from monopoly activities, and freedom to do anything not prohibited by law. Freedom of entrepreneurial activity on the one hand is a system of opportunities provided to the subject, which allows to fully realize the entrepreneurial potential, and on the other - the state, which sets certain limits for its implementation in order to respect the rights and legitimate interests of other participants. (Rozghon, 2021). Conditions of martial law significantly affected the order of realization of entrepreneurial and innovative potential. Economic development of the state is impossible without sustainable development of entrepreneurship and innovation. Therefore, the state should promote comprehensive incentives for entrepreneurship and innovation by providing support, developing appropriate government programs, soft loans, simplifying business regulation and reducing the tax burden during martial law. These issues require comprehensive research and legal research aimed at creating optimal conditions and improving the efficiency of business and innovation.

Returning to the above-mentioned problems of implementation of the Law of Ukraine «On Ensuring the Rights and Freedoms of Internally Displaced Persons» in the exercise of economic rights, including property rights, it is necessary to emphasize their importance and relevance. Therefore, the legislation of Ukraine in the field of legal regulation of property relations with the participation of internally displaced persons needs to be improved and relevant amendments to the current legislation will provide protection and appropriate additional guarantees of property rights for internally displaced persons. In particular, it is necessary to develop an effective mechanism for the restoration of property rights and the creation of a single database of property of internally displaced persons. An important question is the need for regulation of the procedure for recovery of lost documents on the property and the mechanism for determining the amount of destruction (damage) of property of citizens and the procedure for obtaining compensation for destroyed (damaged) property. The Verkhovna Rada of Ukraine is currently considering the Draft Law on Compensation for Damage and Destruction of Certain Categories of Immovable Property as a Result of Combat, Terrorist Acts, Sabotage Caused by Military Aggression of the Russian Federation (registration number 7198 of March 24, 2022), however, it has not yet been adopted, which complicates the settlement of relevant processes. Thus, there is currently no clear regulation of the legislation of Ukraine on compensation for property damage caused by destruction (destruction) of property (especially housing) in the area of hostilities, which prevents internally displaced persons from exercising their right to housing, in particular due to lack of financial resources. Therefore, we consider it necessary to immediately adopt a special legal act regulating the issue of guarantees of compensation for destruction (damage) of property of citizens as a result of hostilities, terrorist acts, sabotage caused by military aggression of the Russian Federation.

CONCLUSIONS

One of the main tasks of the state is to ensure the realization of the full range of rights of internally displaced persons, including economic ones. Problems of exercising the economic rights of internally displaced persons, in particular property rights, are especially relevant in the current martial law.

The current legislation of Ukraine in the field of legal regulation of property relations with the participation of internally displaced persons needs to be improved and appropriate changes made that will provide protection and certain additional guarantees of property rights for internally displaced persons. There is also a real need for the effective application of the national concept of protection and restoration of property rights of internally displaced persons using international experience and European standards.

Consideration of problematic issues related to the realization of economic rights of internally displaced persons is directly related to issues related to the exercise of the right to entrepreneurial activity. The influence of martial law on the order of entrepreneurial and innovative activities requires real support from the state. Further comprehensive scientific and legal research is needed to create optimal conditions and increase the efficiency of entrepreneurial and innovative activities.

The submitted proposals, of course, need more detailed elaboration and the implementation of such proposals will not solve all the problems at once, but will help improve the implementation of certain legally guaranteed rights of internally displaced persons.

To ensure the practical value of this study, it is advisable to provide a number of specific proposals needed to achieve the result, the forecast of which was set out above. The main proposals provided as a result of studying the chosen topic are the creation of a system of effective legal regulation. That is, it emphasizes the need to improve existing legislation, which requires the mandatory participation of representatives of the scientific community in the preparation of relevant draft regulations.

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ПРОБЛЕМИ РЕАЛІЗАЦІЇ ЕКОНОМІЧНИХ ПРАВ ВНУТРІШНЬО ПЕРЕМІЩЕНИХ ОСІБ

Анотація. В умовах воєнного стану на території України виникає необхідність розроблення дієвого механізму реалізації прав внутрішньо переміщених осіб. Особливої актуальності набувають проблеми здійснення економічних прав, зокрема, проблеми у сфері реалізації внутрішньо переміщеними особами майнових прав. Метою цієї статті є аналіз наукових досліджень та основних положень нормативно-правових актів та проєктів законів, які стосуються сфери реалізації економічних прав внутрішньо переміщених осіб.

Вивчення праць науковців дозволило встановити й оцінити стан дослідження обраної теми, виявити та дослідити проблемні питання, що постали на сучасному етапі та визначити шляхи їх вирішення. Зокрема, були окреслені загальні проблеми щодо захисту прав внутрішньо переміщених осіб, якими є проблеми реалізації прав вимушених переселенців інституційно-організаційного, правового та соціально-економічного характеру. В рамках цього дослідження проведений аналіз стану нормативного регулювання правовідносин з обраної тематики наступних основних періодів: до введення воєнного стану на території України та періоду, пов'язаного зі збройною агресією Російської Федерації проти суверенітету України, введенням воєнного стану в Україні і тимчасовою окупацією частини території України. Відмічено, що у період до введення воєнного стану в Україні не набула ефективного застосування загальнодержавна концепція захисту і відновлення майнових прав внутрішньо переміщених осіб та вимушених переселенців. Розглянуті положення проєкту Закону України «Про засади державної політики перехідного періоду» від 09 серпня 2021 року. Доведено, що для ефективного правового регулювання проблемних питань, які можуть виникнути у перехідний період, необхідна своєчасна розробка відповідних законодавчих норм (положень), які зможуть розв'язати проблеми правового захисту громадян України і юридичних осіб України, права і законні інтереси на об'єкти права власності яких порушені внаслідок збройної агресії Російської Федерації та тимчасової окупації території України. Визначено наявність проблем щодо реалізації норм Закону України «Про забезпечення прав і свобод внутрішньо переміщених осіб» у сфері захисту права власності, наголошено їх важливість та актуальність.

Встановлено, що законодавство України у сфері правового регулювання відносин власності за участю внутрішньо переміщених осіб потребує вдосконалення та внесення відповідних змін, які забезпечать захист та додаткові гарантії здійснення права власності. Зокрема, наголошено на необхідності розробки механізму відновлення права власності, створення єдиної бази обліку майна внутрішньо переміщених осіб та прийняття спеціального нормативно-правового акту, що регулює питання надання гарантій компенсації руйнування (пошкодження) майна громадян внаслідок бойових дій, терористичних актів, диверсій, спричинених військовою агресією Російської Федерації. Крім того, наголошено на необхідності стимулювання реалізації підприємницького та інноваційного потенціалу та подальших комплексних науково-правових досліджень щодо створення оптимальних умов та підвищення ефективності провадження підприємницької та інноваційної діяльності.

Ключові слова: внутрішньо переміщена особа, воєнний стан, економічні права, окуповані території, право власності.

PROBLEMS OF THE IMPLEMENTATION OF ECONOMIC RIGHTS OF INTERNALLY DISPLACED PERSONS

Abstract. In the conditions of martial law on the territory of Ukraine there is a need to develop an effective mechanism for exercising the rights of internally displaced persons. The problems of exercising economic rights,

in particular, the problems in the field of realization of property rights by internally displaced persons, become especially relevant. The purpose of this article is to analyze research and the main provisions of regulations and draft laws relating to the implementation of economic rights of internally displaced persons.

The study of the works of scientists allowed establishing and assessing the state of research of the chosen topic, to identify and investigate the problematic issues that have arisen at the present stage and to identify ways to solve them. In particular, the general problems of protection of the rights of internally displaced persons were outlined, which are the problems of realization of the rights of internally displaced persons of institutional-organizational, legal and socio-economic nature. Within the framework of this study the analysis of the state of normative regulation of legal relations on the chosen subject of the following main periods was carried out: before the imposition of martial law on the territory of Ukraine and the period related to the armed aggression of the Russian Federation against Ukraine's sovereignty.

It is noted that in the period before the imposition of martial law in Ukraine, the national concept of protection and restoration of property rights of internally displaced persons and internally displaced persons has not been effectively applied. The provisions of the draft Law of Ukraine «On the Principles of State Policy in Transition» of August 9, 2021 are considered. It is proved that for effective legal regulation of problematic issues that may arise in the transition period, it is necessary to timely develop relevant legislation (regulations) that can solve the problems of legal protection of citizens of Ukraine and legal entities of Ukraine, rights and legitimate interests whose property rights have been violated as a result of the armed aggression of the Russian Federation and the temporary occupation of the territory of Ukraine. The existence of problems with the implementation of the Law of Ukraine «On Ensuring the Rights and Freedoms of Internally Displaced Persons» in the field of protection of property rights was identified; their importance and relevance were emphasized.

It is established that the legislation of Ukraine in the field of legal regulation of property relations with the participation of internally displaced persons needs to be improved and appropriate changes made that will provide protection and additional guarantees for the exercise of property rights. In particular, they stressed the need to develop a mechanism to restore property rights, create a single database of property of internally displaced persons and adopt a special legal act governing guarantees of compensation for destruction (damage) of property due to hostilities, terrorist acts, sabotage caused by the military aggression of the Russian Federation. In addition, the need to stimulate the realization of entrepreneurial and innovative potential and further comprehensive scientific and legal research to create optimal conditions and increase the efficiency of entrepreneurial and innovative activities was emphasized.

Keywords: internally displaced person, economic rights, martial law, occupied territories, property rights.

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