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TRANSFORMATION OF PUBLIC GOVERNANCE MECHANISMS IN UKRAINE UNDER MARTIAL LAW AND IN POST-WAR RECOVERY

ТРАНСФОРМАЦІЯ МЕХАНІЗМІВ ПУБЛІЧНОГО УПРАВЛІННЯ В УКРАЇНІ В УМОВАХ ВОЄННОГО СТАНУ ТА ПІСЛЯВОЄННОГО ВІДНОВЛЕННЯ

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The full-scale armed aggression against Ukraine has triggered a systemic transformation of public governance mechanisms, reshaping both the legal architecture of state authority and the practical functioning of public administration. Since February 2022, public governance has operated in two interconnected dimensions: emergency governance under the legal regime of martial law and strategic governance aimed at post-war recovery and reconstruction. This coexistence poses complex institutional challenges, as the state must simultaneously ensure national security and the continuity of public authority while preserving constitutional legality, administrative accountability, and compliance with European governance standards.

The constitutional foundations of public governance under martial law are defined by the Constitution of Ukraine, which enshrines the rule of law, separation of powers, and protection of human rights. At the same time, the Constitution permits temporary restrictions on certain rights and freedoms during martial law, provided that such restrictions are legally defined, proportionate, and limited in duration, while a core set of rights remains non-derogable [1]. This constitutional framework positions wartime governance not as a suspension of legality but as a special legal regime embedded within constitutional limits and subject to institutional safeguards.

The introduction of martial law by Presidential Decree of 24 February 2022, subsequently approved by the Parliament, activated these constitutional mechanisms and provided legal grounds for extraordinary governance measures [2]. From a public governance perspective, this

decision initiated a transition toward an emergency administrative model characterised by accelerated decision-making, expanded executive discretion, and prioritisation of defence and public security. At the same time, parliamentary approval and legal formalisation of emergency powers remain critical safeguards against the concentration of unchecked authority.

The Law of Ukraine “On the Legal Regime of Martial Law” further specifies the institutional configuration of wartime governance. It authorises military command and, where established, military administrations to participate in implementing martial law measures in coordination with executive and local authorities [3]. This legal design reconfigures governance mechanisms by reallocating competences, strengthening vertical coordination, and enabling rapid administrative responses to security threats. In practice, civilian administrative routines are partially replaced by crisis-management functions, including the protection of critical infrastructure, emergency logistics, evacuation measures, and support for defence needs. While such transformation enhances operational effectiveness, it simultaneously increases the risks of excessive discretion and reduced transparency, thereby necessitating compensatory accountability mechanisms.

In this context, the Law of Ukraine “On Administrative Procedure” plays a central role in maintaining rule-of-law safeguards within transformed governance structures [4]. The law establishes general principles governing relations between public authorities and private persons, including legality, equality, proportionality, reasoned decision-making, and the right to be heard. Even under conditions of martial law, these principles function as a baseline for lawful administration unless explicitly limited by special legislation.

From a normative perspective, administrative procedure does not contradict the need for rapid governance under emergency conditions but rather legitimises accelerated decision-making. Procedural guarantees operate as safeguards against arbitrariness, ensuring that efficiency does not undermine legality. In the post-war recovery phase, this role becomes particularly significant in relation to mass compensation schemes, rebuilding permits, public procurement, and the allocation of donor-funded resources, where the scale and speed of administrative decisions substantially increase the risks of unequal treatment and legal disputes [4].

These procedural principles are consistent with the standards of good administration reflected in the Charter of Fundamental Rights of the European Union, which emphasises impartiality, fairness, reasonable timeframes, and the obligation of public authorities to provide reasons for their decisions [5]. Alignment with these standards enhances institutional credibility and supports Ukraine’s governance convergence with the European legal space.

The effectiveness of recovery governance further depends on functional multi-level coordination. OECD analyses demonstrate that Ukraine's decentralisation reforms contributed to institutional resilience at the local and regional levels, enabling communities to sustain essential public services despite severe disruptions caused by hostilities [6]. At the same time, the scale and territorial asymmetry of destruction require strong coordination between central authorities and subnational governments during recovery and reconstruction.

OECD research on reinforcing regional and municipal governance highlights that post-war recovery is inherently place-based, as damage patterns and socio-economic conditions vary significantly across regions [7]. Consequently, public governance mechanisms must combine central strategic planning with sufficient administrative capacity and local-level autonomy. Transparent intergovernmental coordination, fiscal accountability, and clearly delineated competences are essential to ensure the effective use of recovery resources and to prevent governance fragmentation.

Environmental damage caused by hostilities constitutes not only an ecological challenge but a complex public governance issue. UNEP assessments document extensive harm to water resources, soil, ecosystems, and industrial facilities resulting from military operations [8]. From a governance perspective, such damage requires coordinated administrative responses, legally defined decision-making frameworks, and integration of environmental risk management into recovery planning rather than isolated remediation measures.

The EU Environmental Impact Assessment Directive establishes a governance model that integrates environmental considerations into public decision-making for major projects [9]. For Ukraine, embedding EIA principles into reconstruction governance is essential to prevent secondary environmental harm and to align recovery policies with European standards. UNECE analyses further emphasise that systematic environmental damage assessments function as governance instruments that structure priorities, allocate responsibilities, and legitimise recovery decisions through evidence-based and transparent administrative processes [10].

Post-war recovery governance is closely linked to strategic planning and financial oversight. The Fourth Rapid Damage and Needs Assessment (RDNA4) provides a comprehensive framework for identifying damages, recovery needs, and sectoral priorities, thereby informing policy decisions and international coordination [11]. From a legal-governance perspective, these developments indicate that recovery is not merely a financial or technical process but a fundamentally institutional one. The Ukrainian case demonstrates a shift from crisis-driven governance toward performance-oriented, accountability-based public administration, in which recovery

outcomes depend on the quality of administrative structures rather than solely on the volume of external funding.

In conclusion, the transformation of public governance mechanisms in Ukraine under martial law and post-war recovery conditions reflects a complex balance between emergency effectiveness and rule-of-law guarantees. Constitutional and legislative frameworks provide legal legitimacy for extraordinary measures while preserving core safeguards of legality and the protection of rights [1–4]. Administrative procedure, multi-level governance coordination, and environmental assessment mechanisms collectively form the institutional foundation for sustainable recovery aligned with European standards [5–11]. Ultimately, the success of Ukraine’s recovery will depend primarily on governance quality: without transparent procedures, coordinated decision-making, and legally grounded administrative frameworks, even substantial financial resources cannot ensure sustainable reconstruction outcomes.

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**PUBLIC POLICY OF SOCIAL RESPONSIBILITY AS A FACTOR
IN THE NATIONAL RESILIENCE OF TERRITORIAL
COMMUNITIES**

**ПУБЛІЧНА ПОЛІТИКА СОЦІАЛЬНОЇ ВІДПОВІДАЛЬНОСТІ
ЯК ФАКТОР НАЦІОНАЛЬНОЇ СТІЙКОСТІ ТЕРИТОРІАЛЬНОЇ
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Сучасний етап розвитку України характеризується безпрецедентними викликами, пов'язаними з воєнною агресією, соціально-економічною нестабільністю, демографічними втратами та необхідністю відновлення територій. У цих умовах особливого значення набуває забезпечення національної стійкості як здатності держави та її територіальних громад ефективно протидіяти загрозам, адаптуватися до кризових умов і забезпечувати сталий розвиток.