

PERFORMING NOTARIAL ACTS FOR CITIZENS OF THE RUSSIAN FEDERATION UNDER MARTIAL LAW CONDITIONS: CURRENT CHALLENGES

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Abstract. *The article emphasises that the legal basis for exercising control over the activities of business entities engaged in the transportation of passengers by road includes several main elements. First, these are the principles of law - fundamental ideas and provisions that underlie the legal system, such as the principles of justice, legality, and legal certainty, which guarantee law and order and stability in society. Second, the legal basis includes regulatory legal acts - laws and by-laws that establish specific rules of conduct and regulation of social relations. Third, the legal doctrine, which is scientific concepts and theories that influence the development and interpretation of law, is also an integral part of the legal basis. It helps to form a broad understanding, based on an interdisciplinary vision and leading foreign experience, of legal norms and directions of their application. Fourth, judicial practice is court decisions that form legal positions and establish certain approaches to the interpretation of legal norms.*

It is argued that control over the activities of business entities that transport passengers by road in Ukraine is based on a number of legal principles that determine the procedure for regulating this activity. This ensures the safety of passengers, compliance with their rights as consumers, as well as compliance by carriers with the requirements of current legislation. Among the main regulatory acts that regulate this area, the Commercial Code of Ukraine, the Law of Ukraine "On Road Transport," and the Law of Ukraine "On Licensing of Types of Economic Activities" should be mentioned.

It is determined that administrative and legal norms occupy an important place in regulating the activities of entities that transport passengers. They determine the procedure for conducting inspections, imposing fines, and administering sanctions on carriers in case of violation of legislative requirements. Administrative and legal norms play a significant role in ensuring law and order and control in the field of road transportation. They determine the procedure for carrying out control, as well as the grounds for conducting inspections.

Key words: *legal principles, administrative and legal regulation, control over the activities of business entities, transportation of passengers by road.*

Problem statement. The relevance of the study of the legal foundations of control over the activities of business entities that carry out the transportation of passengers by road is due to several key aspects that affect the social and economic sphere of the state. First of all, this is due to ensuring the safety of transportation. State control over the activities of carriers is aimed at preventing violations that can lead to accidents and pose a threat to the life and health of passengers. The relevance of the study of the relevant legal principles is also due to the need to develop effective control mechanisms that reduce the number of traffic accidents and increase the level of road safety [1, p. 24].

In addition, the transportation of passengers by road is an important component of the economy, as it provides mobility of the population and communication between different regions. Control over the activities of carriers allows to ensure fair competition and prevent violations of the law, which contributes to the stable development of the transport industry.

State of the study. In the domestic administrative-legal doctrine, V. B. Averyanov, O. M. Bandurka, A. V. Bondar, S. S. Vitvitskiy, V. M. Harashchuk, S. M. Husarov, Yu. S. Grynchuk, M. G. Isakov, I. Yu. Kailo, I. D. Kazanchuk, V. V. Kolesnikov, T. O. Kolomoets, V. K. Kolpakov, A. T. Komzyuk, K. M. Korobkina, A. M. Kulish, K. B. Levchenko, Yu. R. Lozynskiy, O. M. Martyn, L. V. Mogilevsky, O. M. Muzychuk, Yu. M. Ragulina, O. M. Reznik, O. Yu. Savina, P. V. Synytskyi, V. V. Sokurenko, V. S. Shestak, and others. However, despite a considerable number of scientific achievements, scholars actually left out of their attention the problematic issues of the legal basis of control over the activities of business entities

carrying out the transportation of passengers by road transport.

Purpose and objectives of the study. The purpose of the article is to determine the legal basis for control over the activities of business entities that carry out the transportation of passengers by road. To achieve this goal, it is necessary to solve the following tasks: to determine the place of administrative and legal norms among the legal foundations of control over the activities of business entities that carry out the transportation of passengers by road; to find out the essence of the legal foundations of the relevant control, their functions, as well as the elements that relate to them.

Scientific novelty of the study. The scientific novelty of the research lies in the fact that within the framework of this study, for the first time in the national administrative and legal thought, the author carried out a comprehensive analysis of the legal foundations of control over the activities of business entities carrying out the transportation of passengers by road, including the allocation of the relevant functions of such legal foundations, as well as the first system of elements of legal foundations.

Presentation of the main material. It is appropriate to consider the legal framework through the prism of its adaptation to European standards. In the context of Ukraine's integration into the European legal field, it is important to study the legal foundations governing the activities of carriers and their harmonisation with international standards. This will improve the quality of services and create a competitive market. It is important to note that Ukraine is a party to a

number of international treaties in the field of transportation, which requires the introduction of relevant standards and rules. The study of the legal foundations of control over the activities of carriers will contribute to the fulfilment of these obligations and the integration of Ukraine into the world market of transport services [2, p. 252].

A special place in the course of exercising control over the activities of business entities carrying out the transportation of passengers by road is given to administrative and legal norms. Administrative and legal norms provide a legal basis for determining the powers of regulatory authorities, such as the State Service of Ukraine for Transport Safety, the National Police of Ukraine, and other bodies that control transportation. They also regulate the procedure for inspections, the rights and obligations of business entities and regulatory authorities, and mechanisms for bringing to responsibility for violations [3, p. 220].

Administrative and legal norms establish administrative liability for violation of transportation safety requirements, licensing rules, transportation procedures, etc. In addition, they regulate the procedure for issuing licenses and permits for business entities engaged in transportation, as well as requirements for the technical condition of vehicles. Thus, administrative and legal norms are the basis of the system of state control over the activities of entities that carry out the transportation of passengers by road, as they ensure order, security, and compliance with legal standards in this area [4, p. 109].

It should be noted that the legal framework provides clarity and unambiguity in the regulation of social relations. In view of this, it is important to determine from the very beginning what aspects and components this term covers in the context of the study in order to avoid ambiguous interpretations and form a clear conceptual basis of the work. This also allows us to structure the analysis of the legal foundations of control over the activities of carriers, which allows us to consider in more detail how the norms of law, principles, and acts of legislation regulate the activities of business entities that carry out the transportation of passengers by road [5, p. 73].

Legal foundations are the fundamental principles, norms, and rules on which the legal system of the state is based. They determine the general procedure for the functioning and regulation of social relations, ensuring the stability of legislation. Legal principles may contain both general principles applicable to all legal relations (for example, the rule of law, equality before the law) and specific provisions for certain legal areas (for example, the principles of civil, criminal, and administrative law) [6, p. 216].

The legal framework includes several main elements. First, these are the principles of law - fundamental ideas and provisions that underlie the legal system, such as the principles of justice, legality, and legal certainty, which guarantee law and order and stability in

society. Secondly, the legal basis includes normative legal acts - laws and by-laws that establish specific rules of conduct and regulation of social relations. Thirdly, the legal doctrine, which is scientific concepts and theories that influence the development and interpretation of law, is also an integral part of the legal foundations. It helps to form a broad understanding of legal norms and directions of their application based on an interdisciplinary vision and leading foreign experience. Fourthly, judicial practice is court decisions that form legal positions and establish certain approaches to the interpretation of legal norms, which can be used as guidelines for further resolution of similar issues [7, p. 30].

Thus, the legal foundations ensure the consistency and integrity of legal regulation and serve as guidelines in the course of the activities of the relevant entities. They create the basis for maintaining law and order in the state, determining the boundaries of the activities of both authorities and citizens, thereby contributing to the formation of a stable and predictable environment for the development of entrepreneurial activity.

Legal foundations perform several important functions in the legal system. One of the main ones is the regulatory function, which ensures the ordering of social relations and the establishment of clear norms of behavior. The implementation of this function contributes to determining what is permissible and lawful and what is not, contributing to the avoidance of legal conflicts and conflicts.

Another important function is protective, which is aimed at protecting the rights and freedoms of citizens. The legal framework ensures the functioning of mechanisms for the protection of rights in case of their violation and establishes liability. They serve as the basis for the activities of law enforcement agencies, the judiciary, and other institutions that ensure compliance with the law [8, p. 33].

Also, a significant role is played by the educational function of legal foundations. It is manifested in the formation of respect for the law in society, the education of the legal consciousness of citizens. With the help of legal norms, the state influences the consciousness of people, stimulating lawful behaviour in its existential sense.

It is important to note that the legal framework is flexible and may change depending on changes in society and the development of the legal system. For example, the evolution of the principles of law or amendments to legislation can adapt legal regulation to new challenges and realities. However, the basic principles, such as the rule of law and legality, remain unchanged, ensuring the stability of the legal system and its ability to respond to new challenges [9, p. 65].

Thus, the legal foundations are the foundation on which the entire legal system is built. They determine the general principles of legal regulation, establish rules of conduct, and guarantee the protection of the rights and freedoms of citizens. Thanks to the legal foundations, the state is able to ensure a balance between individual freedom and public interests, creating conditions for the stable development of society and maintaining the proper level of legal culture.

Control over the activities of business entities that carry out the transportation of passengers by road in Ukraine is based on a number of legal principles that determine the procedure for regulating this activity. This ensures the safety of passengers, observance of their rights as consumers, as well as the fulfilment by carriers of the requirements of the current legislation. Among the main normative acts that regulate this area are the Commercial Code of Ukraine, the Law of Ukraine "On Road Transport," and the Law of Ukraine "On Licensing of Economic Activities" [10].

The Commercial Code of Ukraine defines the general principles of economic activity, the procedure for its implementation, and also fixes the basics of regulation of the legal status of business entities engaged in the transportation of passengers. The Law of Ukraine "On Road Transport" is a specialised normative act that establishes requirements for the transportation of passengers, the procedure for the provision of transport services, the obligations and rights of carriers, requirements for the technical condition of vehicles, as well as licensing and certification of this activity. The Law of Ukraine "On Licensing of Types of Economic Activity" defines the procedure for licensing passenger transportation, which is a prerequisite for the implementation of this activity [11, p. 22].

Control over the transportation of passengers by road is carried out by a wide range of entities, in particular, the Ministry of Communities and Territories Development of Ukraine, which forms and implements state policy in the field of transport, in particular road transport; the State Service of Ukraine for Transport Safety (Ukrtransbezpeka), which monitors compliance with license conditions, transportation rules, and safety requirements; and the National Police of Ukraine, which ensures compliance with traffic rules and rules for the operation of vehicles.

Administrative and legal norms occupy an important place in the regulation of the activities of entities engaged in the transportation of passengers. They determine the procedure for conducting inspections, imposing fines, and administering sanctions on carriers in case of violation of the requirements of the law. The key act in this area is the Code of Ukraine on Administrative Offences, which contains articles providing for liability for violation of the rules of passenger transportation and other requirements of transport legislation. Also important is the procedure for conducting inspections established at the level of by-laws, which determines the procedure for their conduct by control bodies and the rights and obligations of regulatory authorities.

Administrative and legal norms play a significant role in ensuring law and order and control in the field of road transportation. They determine the procedure for exercising control, as well as the grounds for conducting inspections. In addition, they establish liability for violations of transportation rules, which encourages carriers to comply with the established requirements. This contributes to improving transport safety because unscrupulous carriers can be brought to administrative responsibility, which provides a higher level of safety for passengers.

At the same time, it is on administrative and legal norms that the system of ensuring state control over carriers' compliance with the requirements of the legislation regulating activities in the field of passenger transportation by road is built.

In case of violations, administrative and legal norms provide for the application of sanctions, such as fines, revocation of the transportation license, or even a temporary ban on the activities of the business entity. This allows state authorities to ensure compliance with legal norms in the field of transportation and guarantee the safety of passengers. In particular, penalties are imposed for violation of the rules of transportation, technical condition of vehicles, violation of licensing requirements, transportation of passengers without a proper license, etc.

Also, an important component of the legal framework in this area is international standards and obligations of Ukraine. Ukraine is a member of many international organisations that regulate the transport industry, such as the European Conference of Ministers of Transport and the International Road Transport Union. This imposes obligations on the country to implement international transport safety standards into national legislation, comply with the technical requirements of vehicles, and ensure an adequate level of service for passengers. The introduction of such standards contributes to improving the quality of services and transportation safety, as well as contributes to the integration of the Ukrainian transport market into the European space.

Thus, the legal basis for control over the activities of business entities that carry out the transportation of passengers by road in Ukraine forms a holistic system for ensuring safety, quality of services, and compliance with the law. Administrative and legal norms are an important tool in the implementation of this system because they allow for effective control by the state, prompt response to violations, and the creation of conditions for high-quality and safe transportation of passengers. They also help integrate the Ukrainian transport system into the international space and adhere to the best international standards in the field of transportation. This contributes to the development of the transport industry, increases the level of citizens' trust in carriers, and creates prerequisites for the growth of the quality of life in the country by ensuring the provision of reliable and affordable transport services.

Conclusion. Thus, within the framework of this article, it has been noted that it is important to update the regulatory framework in the field of control over the activities of business entities that carry out the transportation of passengers by road, since the current legislative acts do not always meet the modern conditions and needs of the industry. Updating and harmonising regulations with European standards will contribute to improving the quality of transport services, integrating Ukraine into the European transport space, and ensuring the safety of passengers.

It has been emphasised that the legal basis for exercising control over the activities of business entities carrying out the transportation of passengers by

road includes several main elements. First, these are the principles of law - fundamental ideas and provisions that underlie the legal system, such as the principles of justice, legality, and legal certainty, which guarantee law and order and stability in society. Secondly, the legal basis includes normative legal acts - laws and by-laws that establish specific rules of conduct and regulation of social relations. Thirdly, the legal doctrine, which is scientific concepts and theories that influence the development and interpretation of law, is also an integral part of the legal foundations. It helps to form a broad understanding of legal norms and directions of their application based on an interdisciplinary vision and leading foreign experience. Fourthly, judicial practice is court decisions that form legal positions and establish certain approaches to the interpretation of legal norms.

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It has been established that in order to ensure effective legal regulation of passenger transportation by road in Ukraine, it is necessary to create conditions for fair competition in the market, to ensure control over compliance with safety requirements, and to harmonise national standards with international requirements. This will contribute to the development of the transport industry, increase the level of citizens' trust in carriers, and create safe and comfortable conditions for passenger transportation.

REFERENCES

1. Provision of road safety by the National Police: legal and organizational aspects: method. recommendations. / V.I. Varivoda, D.A. Evdokimov, V.G. Syravchuk, O.M. Zhuk; I.I. Ryndyuk. Kyiv: National Academy of the Internal Relations, 2019. 110 p.
2. Derkach E. M. Legal regulation of economic activity in the field of transport: theoretical and applied problems: thesis for a Doctor of Juridical Science : 12.00.04. Kyiv, 2021. 499 p.
3. Matchuk S. V. Administrative-legal means of ensuring road traffic safety by bodies and units of the National Police: concepts and types. *Law and Society*. 2023. № 3. Pp. 219-224.
4. Petkov S. V. *Theory of Administrative Law: Textbook*. Kyiv: KNT, 2014. 304 p.
5. Vazhynskyi S. E., Shcherbak T. I. *Methods and organization of scientific research: textbook*. Sumy: Sumy A. S. Makarenko State Pedagogical University, 2016. 260 p.
6. *Theory of State and Law. Manual.* / [E. V. Bilozorov, V. P. Vlasenko, O. B. Gorova, A. M. Zavalnyi, N. V. Zayats et al.] ; for general. Ed. S. D. Gusareva, O. D. Tikhomirova. Kyiv: NAIAU, Education of Ukraine, 2017. 320 p.
7. Semenikhin I. V. *Legal Doctrine: Concept, Signs, Structure. Problems of legality*. 2016. Vol. 132. Pp. 26-36.
8. Golodnyk Yu. A. Mechanism for ensuring the protection of citizens' rights and freedoms in the activities of state authorities. *Scientific Bulletin of Uzhhorod National University*. 2023. Vol. 78. Pp. 32-37.
9. Kostromina O. G. Experience of building the National Guard of Latvia // Adaptation of the legal system of Ukraine to the law of the European Union: theoretical and practical aspects: materials of the II All-Ukrainian scientific and practical conference (Poltava, November 23, 2017): in second part Poltava: Rossava, 2017. Part 1. Pp. 65-66.
10. On Amendments to Certain Legislative Acts of Ukraine on State Regulation and Management in the Field of Transport and Road Facilities: Law of Ukraine of November 20, 2012 № 5502-VI. URL: <https://zakon.rada.gov.ua/laws/show/5502-17#Text>.
11. Kryskov A. A. *Lecture Notes on the Discipline "Legal Foundations of Entrepreneurial Activity in Motor Transport"*. Ternopil: "Sole proprietor Palyanytsia V. A.", 2015. 56 p.