
Vitalii Masliuk. Regulatory and legal framework for economic security of transport enterprises in Ukraine: systematic analysis and improvement directions. *Економічний дискурс*. 2025. Випуск 1-2. С. 24-30.
DOI: <https://doi.org/10.36742/2410-0919-2025-1-3>

UDC 330.4: 339.92
JEL Classification M21

Vitalii Masliuk
Postgraduate Student
Department of Security and Law Enforcement,
West Ukrainian National University
Ternopil, Ukraine
E-mail: masliukvitalii@gmail.com
ORCID: 0009-0006-1473-1519

REGULATORY AND LEGAL FRAMEWORK FOR ECONOMIC SECURITY OF TRANSPORT ENTERPRISES IN UKRAINE: SYSTEMATIC ANALYSIS AND IMPROVEMENT DIRECTIONS

Abstract

Introduction. *The current stage of Ukrainian economy development is characterized by the growing role of the transport industry as a strategically important sector ensuring the functioning of the national economy and Ukraine's integration into global economic processes. In the context of globalization, technological progress, and geopolitical changes, the issue of economic security of transport enterprises becomes particularly relevant. Modern challenges require the state to form an effective system of regulatory and legal regulation capable of ensuring the stability and competitiveness of the transport industry.*

Methods. *The research is based on a comprehensive methodological approach combining several complementary methods of scientific cognition. The foundation consists of systematic analysis, comparative-legal method for analyzing sectoral laws on different types of transport, structural-functional analysis to study the functional purpose of each element of regulatory framework, content analysis method for systematizing legislative provisions, and synthesis method for generalizing results.*

Results. *The analysis revealed eight basic instruments of regulatory and legal support for economic security of transport enterprises: licensing system, mandatory insurance, tariff regulation, carrier liability, financial requirements, state control and supervision, social obligations, and technical standards. The existing system is characterized by fragmentation and insufficient systematicity, requiring comprehensive reform considering European integration processes and modern industry development trends.*

Discussion. *Promising research directions include developing a comprehensive concept of legal regulation, studying adaptation mechanisms to European standards, analyzing legal aspects of transport digitalization and cybersecurity, and investigating legal mechanisms for ensuring economic security under martial law conditions.*

Keywords: *economic security, transport enterprises, regulatory framework, licensing, insurance, tariff regulation, state control, European integration.*

Introduction.

The current stage of Ukrainian economy development is characterized by the growing role of the transport industry as a strategically important sector that ensures the functioning of the national economy and Ukraine's integration into global economic processes. Transport enterprises serve as key economic actors, whose stability determines the efficiency of other economic sectors' functioning.

In the conditions of globalization, technological progress and geopolitical changes, the issue of economic security of transport enterprises becomes particularly relevant. Modern challenges require the state to form an effective system of regulatory and legal regulation capable of ensuring stability and competitiveness of the transport industry. Important is the search for an optimal balance between market self-regulation and state regulation, since market mechanisms are not always capable of effectively counteracting systemic threats, while excessive state intervention may reduce the efficiency and innovativeness of enterprises.

The relevance of the research is determined by several factors. First, the existing system of legal regulation of economic security of transport enterprises requires comprehensive analysis and assessment of compliance with modern challenges. Second, European integration processes require harmonization of national legislation with European standards in the transport sphere. The Association Agreement with the EU provides for adaptation of Ukrainian transport legislation to European standards, which requires comprehensive reform of the regulatory and legal framework taking into account European approaches to ensuring economic security. Third, the rapid development of new transport technologies and business models requires adequate legal support.

Analysis of recent research and publications.

Issues of state regulation of economic security of transport enterprises have been researched in the works of such domestic scientists as: V.I. Borshch, O.M. Holovinov, A.P. Kolesnikov, T.V. Momot, N.I. Bohomolova (economic security of enterprises); O.V. Arefieva, T.B. Kuzenko, O.O. Korystin (economic security of transport industry); Ya.P. Arhat, U. Hryshko, V.L. Dykan, I.V. Zubenko, V.V. Kotyk, O.H. Kirdina, A.A. Chupikov (state regulation of transport). However, comprehensive analysis of current legislation of Ukraine in the context of ensuring economic security of transport enterprises remains insufficiently studied.

Purpose.

The purpose of the article is to analyze the regulatory and legal provision of economic security of transport enterprises in Ukraine and to determine directions for its improvement.

Research methodology.

The research is based on a comprehensive methodological approach that combines several complementary methods of scientific cognition. The foundation consists of systems analysis, which allows considering regulatory and legal provision as an integral system of interconnected elements and identifying internal connections between components of legal regulation. The comparative-legal method is used for analysis of sectoral laws on different types of transport in order to identify common approaches and differences in the regulation of economic security. Structural-functional analysis allows studying the functional purpose of each element of regulatory and legal provision.

Results.

Economic security of transport enterprises is one of the most important factors of stable functioning of the national economy and ensuring national security of Ukraine. The transport industry, constituting the foundation of the state's economic infrastructure, provides connections between regions, promotes the development of trade, industry and social sphere. The competitiveness of the Ukrainian economy in the international market depends on the efficiency of transport enterprises' functioning, and their economic security directly affects the country's food, energy and defense security.

Modern realities pose unprecedented challenges to Ukraine's transport industry. The state of war caused by Russian aggression has fundamentally changed the operating conditions of transport enterprises, creating new threats to their economic security: destruction of transport infrastructure, disruption of logistics chains, increase in operational costs, loss of part of sales markets, the need for

rapid adaptation to new routes and transportation methods. At the same time, traditional threats continue to operate: unfair competition, corruption schemes, technological backwardness, insufficiency of investment resources.

Global trends also significantly affect the economic security of Ukrainian transport enterprises. Digitalization of the transport industry, development of «smart» transport systems, implementation of artificial intelligence technologies and the Internet of Things create both new opportunities for improving efficiency and new risks related to cybersecurity. Climate change and strengthening environmental requirements demand significant investments in «green» technologies from transport enterprises. The COVID-19 pandemic demonstrated the vulnerability of the transport industry to global crises and the necessity of creating more resilient business models.

The issue of the state's role in ensuring economic security of transport enterprises becomes particularly relevant. On one hand, market mechanisms are not always capable of effectively counteracting systemic threats and ensuring long-term stability of the industry. On the other hand, excessive state intervention may reduce the efficiency and innovativeness of transport enterprises. Therefore, finding an optimal balance between market self-regulation and state regulation is critically important.

The regulatory and legal provision of economic security of transport enterprises in Ukraine is characterized by fragmentation and insufficient systematicity. A significant part of the legislation was adopted back in the 1990s and does not fully correspond to modern challenges. The absence of a comprehensive approach to regulating economic security of the transport industry leads to inconsistency in actions of different government bodies, duplication of functions and inefficient use of budget funds.

European integration processes also actualize the need to revise existing legislation. The Association Agreement with the EU provides for adaptation of Ukrainian transport legislation to European standards, which requires comprehensive reform of the regulatory and legal framework. Particularly important is the implementation of European approaches to ensuring economic security, including development of competition, protection of consumer rights, environmental responsibility and digital transformation.

In addition, the dynamic development of transport technologies, emergence of new types of transport (electric vehicles, unmanned vehicles, delivery drones), development of multimodal transportation and new business models (car sharing, micromobility) require updating of the legislative framework that would adequately regulate these new phenomena from the point of view of economic security.

Analysis of sectoral laws on automobile, railway, aviation and urban electric transport reveals a number of common approaches to ensuring economic security of transport enterprises, which form a unified conceptual foundation of state regulation of the industry.

Having conducted analysis of the legislative base [10; 8; 11; 9; 7; 4], we have grouped the following basic instruments of regulatory and legal provision of economic security of transport enterprises (Table 1).

Licensing system as a basic regulatory instrument. Licensing of economic activity is an important means of state regulation in the sphere of entrepreneurial activity. It is aimed at ensuring safety and protection of economic and social interests of the state, society, rights and legitimate interests of citizens, human life and health, environmental safety and protection of the natural environment. This regulation is carried out through a system of licensing conditions - regulatory legal acts that establish an exhaustive list of requirements for conducting economic activity subject to licensing [1].

The procedure for obtaining a license in Ukraine involves submitting an application to the licensing authority along with necessary documents. It is important to note that a license grants an economic entity the right to conduct a certain type of economic activity or its part that is subject to licensing, thus ensuring state control over strategically important sectors of the economy.

Table 1. Basic instruments of regulatory and legal provision of economic security of transport enterprises*

№	Instruments	Content
1	Licensing system	basic instrument of state control over admission to transport activity, which ensures verification of qualification, financial capacity and technical readiness of economic entities to provide transport services
2	Mandatory insurance as a risk distribution mechanism	legislatively established requirement for insurance of carriers' liability, which ensures protection of transport service consumers and distributes financial risks among market participants
3	Tariff regulation as an instrument of balancing interests	system of state influence on pricing in the transport industry, which varies from complete freedom of tariff setting to their state regulation depending on social significance and competitiveness of the market segment
4	Liability of carriers as a guarantee of service quality	legislatively established system of sanctions and compensation mechanisms that stimulates transport enterprises to quality fulfillment of their obligations to consumers
5	Financial requirements for transport activity subjects	criteria established by legislation regarding minimum statutory capital size, availability of own funds and financial capacity, which ensure economic stability of transport enterprises
6	State control and supervision	system of monitoring and verification of transport enterprises' compliance with licensing conditions, technical standards, financial discipline and safety requirements by authorized state bodies
7	Social obligations of transport enterprises	legislatively defined requirements for ensuring social responsibility of business, including provision of benefits to socially vulnerable categories of population and compliance with workers' labor rights
8	Technical standards and safety requirements	mandatory standards regarding technical condition of vehicles and infrastructure, compliance with which is a condition for conducting transport activity and ensures both physical and economic security of transport operations

*Source: systematized by the author.

All studied laws provide for mandatory licensing of transport activity as a key mechanism for ensuring economic security. The Law of Ukraine «On Automobile Transport» (Article 9) defines that «licensing in automobile transport is aimed at determining initial and current conditions for providing services for transportation of passengers and dangerous goods, as well as the most important parameters of consumer service» [8]. Article 92 of the Air Code of Ukraine provides for the necessity of a license for «transportation of passengers and/or dangerous cargo, dangerous waste by air transport, which is issued by the authorized body on civil aviation matters in accordance with the legislation of Ukraine» [7]. Article 8 of the Law of Ukraine «On Railway Transport» also refers to the necessity of obtaining a license for «transportation of passengers, dangerous cargo and dangerous waste by railway transport of general use» [3]. Such a system allows the state to control the quality of transport services, financial capacity of operators and their compliance with established safety standards.

Mandatory insurance as a risk distribution mechanism. Insurance of vehicles and cargo is the most effective way to ensure protection from potential financial losses in case of insured events, as for an established insurance premium it provides the opportunity to significantly reduce possible risks and transfer responsibility for their realization to an insurance organization. Such a system guarantees continuity of transport activity, helps avoid unpredictable withdrawal of significant funds from economic circulation and improve the process of financial forecasting in the activities of transport companies [2, p. 179-180].

A common feature of all sectoral laws is the requirement for mandatory insurance of carriers' liability. The Law «On Automobile Transport» (Article 12) defines that «economic entities (carriers) that carry out transportation of passengers and/or cargo are obliged to conclude an insurance contract for liability for damage caused to life and health of passengers while using automobile transport, and for damage caused to cargo, baggage during transportation, under insurance class 10» [8]. The Air Code of

Ukraine (Articles 117 and 118) defines a wide range of subjects and objects: operators and owners of aircraft insure the aircraft themselves, crew members and their liability to third parties; air carriers bear responsibility for passengers, baggage and cargo; airports and air navigation service organizations insure liability for damage to third parties; customers of aviation works ensure insurance of their workers and persons involved in the technological process. Such a comprehensive insurance system guarantees financial protection of all participants in aviation operations and injured persons in case of aviation events or incidents [7]. This system ensures protection of transport service consumers and distributes financial risks among market participants, promoting economic stability of the industry.

Tariff regulation as an instrument of balancing interests. Tariff policy for transportation should be based on principles of full compensation of economically justified operational costs, ensuring general income of economic entities at a level sufficient to achieve corresponding indicators of profitability and cost-effectiveness, as well as compliance with the principle of unification for all service consumers according to approved costs. Formation of tariffs for freight transportation should occur through optimal combination of two methodological approaches – cost-oriented, which provides for calculation of tariff based on cost price of transport service, and market-oriented, which takes into account market conditions [6].

Regulatory documents contain provisions regarding formation and regulation of tariffs, though with different degrees of state intervention. The most liberal approach is provided in the Law of Ukraine «On Automobile Transport» (Article 10), where tariffs are formed freely, with the aim to «satisfy entrepreneurial interest, ensure development of automobile transport, stimulate implementation of latest transportation technologies, application of modern types of vehicles» [8].

The Air Code of Ukraine (Article 99) provides for establishment of tariffs by air carriers from the position of obtaining profit. At the same time, the authorized body on civil aviation matters is endowed with the right to cancel inflated tariffs, especially in conditions of insufficient competitive environment, or suspend the effect of lowered tariffs, particularly when their level drops below the cost price of services. In order to verify economic justification of established tariffs for air transportation, the authorized body has the right to demand from the air carrier provision within specified terms of complete information necessary for objective assessment of tariff policy [7].

Instead, the Law of Ukraine «On Railway Transport» (Article 9) provides for state regulation of tariffs through the National Commission that carries out state regulation in the spheres of energy and communal services [3], while the Law of Ukraine «On Urban Electric Transport» (Article 8) assigns establishment of tariffs to local self-government bodies [9].

Carriers' liability as a guarantee of service quality. Liability of transport companies for damages caused to consumers of transportation services is characterized by specific features that are manifested in the following: existence of different forms of such liability; its occurrence is conditioned by mandatory elements (unlawful actions, causing harm, fault and causal connection), while only in cases directly provided by legislation can it arise regardless of the presence of fault; limited scope of such liability; its result is application of measures of property influence to the carrier [3, p. 8].

Sectoral laws regulate in detail the liability of transport enterprises to service consumers. This includes liability for timeliness of delivery, preservation of cargo, passenger safety and quality of service. This liability is particularly detailed in the Air Code of Ukraine (Article 100), which establishes specific forms of liability for different types of violations [7], and in the Code of Commercial Navigation of Ukraine, which regulates contractual relations in maritime transportation [4].

Financial requirements for transport activity subjects. Analysis of financial reporting of enterprises is based on three key documents, each of which reveals different aspects of the company's financial condition. The balance sheet reflects a static picture of financial position on a certain date, demonstrating the ratio of assets and liabilities, which allows assessing the financial stability and solvency of the enterprise. The financial results report characterizes the dynamics of income and expenses for a certain period, including gross, operational and net profit, which makes it possible to determine the efficiency of

operational activity and level of profitability. The cash flow statement reveals cash flows from operational, investment and financial activities, providing understanding of the enterprise's real ability to generate and manage cash resources.

For comprehensive study of financial condition, various analytical methods are applied, including horizontal and vertical analysis, calculation of financial ratios and comparative benchmarking with industry indicators, which ensures comprehensive assessment of financial efficiency and competitiveness of the enterprise [5, p. 72-73].

Legislative acts directly or indirectly establish requirements for financial capacity of transport enterprises as a condition for market admission. This is manifested in requirements regarding statutory capital, availability of own funds to ensure activity, ability to fulfill insurance obligations. The Law of Ukraine «On Railway Transport» (Section 2) provides for conducting activity on the basis of self-sufficiency and self-financing, which is also a form of financial requirements [11].

State control and supervision. A common feature of the studied laws is the provision of a system of state control over the activities of transport enterprises. This includes control over compliance with licensing conditions, technical standards, financial discipline and safety requirements. Particularly developed control mechanisms are in spheres with increased risks – aviation and railway transport.

Social obligations of transport enterprises. The social approach is based on public expectations regarding corporate activities of enterprises, which may vary depending on changes in environmental, political and economic spheres. The ethical approach is oriented toward creating proper conditions for labor activity and professional development of personnel, effective management of natural resources, as well as awareness of corporate responsibility both to current and future generations [12, p. 246].

All studied laws contain provisions regarding social responsibility of transport enterprises, including provision of benefits to socially vulnerable categories of population, ensuring accessibility of services, compliance with workers' labor rights. This is particularly expressed in the Law of Ukraine «On Urban Electric Transport» (Article 19), which guarantees social benefits to industry workers [9].

Technical standards and safety requirements. All laws establish mandatory technical standards for vehicles and infrastructure, compliance with which is a condition for conducting transport activity. These standards ensure not only physical safety, but also economic efficiency of transport operations through maintaining proper technical condition of equipment.

Conclusions and prospects.

The existing system of legal regulation is characterized by fragmentation and insufficient systematicity. Despite the presence of basic mechanisms for ensuring economic security, the absence of a comprehensive approach leads to inconsistency in actions of different government bodies. Eight basic instruments of regulatory and legal provision have been identified, which form the conceptual foundation of state regulation of the industry, however their practical implementation requires improvement. European integration processes actualize the need for harmonization of national legislation with European standards.

Prospective directions for further research are: development of a comprehensive concept of legal regulation of economic security of the transport industry; research of mechanisms for adaptation of Ukrainian transport legislation to European standards; analysis of legal aspects of transport digitalization and cybersecurity; study of peculiarities of legal regulation of new types of transport and transport technologies. Special attention is required for research of legal mechanisms for ensuring economic security of transport enterprises in conditions of martial law and post-conflict recovery.

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Received: 03.22.2025 / Review 05.03.2025 / Accepted 06.30.2025

