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The air transport industry as an object and subject of government regulation

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Abstract

By using the comparative method, this scientific article provided a comprehensive analysis of the Ukrainian air transport industry as an object of analyzing its state regulation. It is argued that a feature of the state regulation of the air transport industry is the integrative capacity, i.e. a comprehensive perception of the specified industry, which is not limited to air transport, but covers legal relations in the field of educational training, production, repair and modernization of aviation equipment, resolution of civil, economic and other disputes. Emphasis is placed on the systematization of legislation, on the basis of which administrative and legal regulation in aeronautical matters is carried out. In conclusion, the priority importance of a specialized state administration capable of simultaneously solving organizational, legal, political, economic, technical and other problems of development and operation of the air transport industry is pointed out. In addition, other practical recommendations for increasing the competitiveness of Ukrainian air transport were provided.

Keywords: air transport; airspace; state regulation; legal principles; public administration.

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La industria del transporte aéreo como objeto y sujeto de regulación estatal

Resumen

Mediante el uso del método comparativo, este artículo científico proporciona un análisis exhaustivo de la industria del transporte aéreo de Ucrania como objeto de analizar su regulación estatal. Se argumenta que una característica de la regulación estatal de la industria del transporte aéreo es la capacidad de integración, es decir, una percepción integral de la industria especificada, que no se limita al transporte aéreo, sino que abarca las relaciones jurídicas en el ámbito de la formación educativa, producción, reparación y modernización de equipos de aviación, resolución de disputas civiles, económicas y de otro tipo. Se pone énfasis en la sistematización de la legislación, a partir de la cual se realiza la regulación administrativa y jurídica en materia aeronáutica. A modo de conclusión, se señala la importancia prioritaria de una administración estatal especializada, capaz de resolver simultáneamente los problemas organizativos, jurídicos, políticos, económicos, técnicos y otros del desarrollo y funcionamiento de la industria del transporte aéreo. Además, se proporcionaron otras recomendaciones prácticas para aumentar la competitividad del transporte aéreo de Ucrania.

Palabras clave: transporte aéreo; espacio aéreo; regulación estatal; principios jurídicos; administración pública.

Introduction

The effectiveness of their functioning directly depends on how fully and qualitatively the corresponding social relations are regulated. At the same time, the state regulation of relevant social relations is a rather complex and multifaceted activity, which is carried out by a significant number of state-authorized subjects by using a wide variety of means of regulating such relations in order to maintain its functioning in a normal state.

Throughout its existence, aviation throughout the world belonged and continues to belong to such spheres of human activity that require clear and specific regulation (Daraganova, 2010), and the aviation industry is an important component of the integration of Ukraine into the system of international economic relations, especially in the conditions of globalization of the world economy.

The proper state of the industry strengthens foreign economic ties, creates the necessary prerequisites for ensuring national security and affects the solution of the socio-economic problems of the state. But in the

conditions of external factors – the growing economic crisis caused by the pandemic, as well as the military aggression of the Russian Federation, the aviation industry, as the industry with the largest percentage of passenger transportation, becomes the most vulnerable compared to other types of transport. State support of the aviation industry in these conditions is of great importance.

Thanks to a competent state policy in the field of air transport, it is important to create conditions for maintaining the operation of air transport and its recovery after the war. The Law of Ukraine “On Transport” provides that “state management of transport activities is carried out through the implementation and implementation of economic (tax, financial and credit, tariff, investment) and social policies, including the provision of subsidies for passenger transportation” (Law Of Ukraine, 1994).

Therefore, the support and restoration of the aviation industry in the conditions of war on the territory of Ukraine directly depend on the state of state regulation of aviation activities, and the state must be aware of the importance of state support for the planning and production of modern, innovative, high-tech aviation transport and take appropriate steps in this direction.

In this aspect, questions regarding the effectiveness of administrative and legal regulation of public relations in the field of air transport are of particular importance, because the functioning of this field includes a significant number of components, most of which are related to the need to ensure the security of data and related public relations, satisfaction of public interests in air transportation, economic interests of the state, etc.

Also, in view of the fact that the use of the airspace of Ukraine is connected with the activities of both domestic and foreign subjects of the aviation industry, the air traffic of air transport, the transportation of luggage, cargo and passengers and many other aspects of the implementation of state regulation of this sphere of public relations is based on a significant number of normative legal acts. This state of affairs in practice gives rise to both inaccuracies in the implementation of relevant legal acts and difficulties in law enforcement due to contradictions in their separate provisions.

That is why today the issue of developing substantiated positions regarding the determination of ways of development of administrative and legal regulation in the field of air transport is acute.

1. Methodology of the study

The following methods were used to achieve the set goal and solve the specified tasks: comparative analysis - to reflect the trends of state

regulation of the air transport industry; systemic approach – to determine the author’s concept of «state regulation of the use of airspace of Ukraine»; systematization and classification – for the classification of priority issues of state regulation of the specified industry; morphological analysis – to improve the conceptually categorical apparatus of the studied issues; systematization of measures by means of which state regulation of the use of airspace is carried out; modeling – to justify the feasibility of developing a comprehensive plan for maintaining the qualification of the aviation industry; abstraction and logical analysis – for the development of conceptual provisions of the administrative-legal mechanism of state regulation of the development of air transport infrastructure; analogies and extrapolations – to form conclusions regarding the normalization of provisions that regulate legal relations in the researched area.

2. Analysis of recent research

Separate problems of regulating social relations in the field of transport use were the subject of research by many scientists from various fields of law. The conducted scientific research has great theoretical and practical significance both in the aspect of defining the category “state regulation” and in the aspect of establishing the essence and content in relation to certain spheres of social relations. However, despite the large number of scientific works, Ukraine still faces the task of harmonizing its own legislation in the field of air transport with the requirements of international normative documents.

In order to solve this task, it is necessary not only to select and finalize the most effective model of the construction of relevant state bodies, which will make it possible to find the optimal balance between strict state regulation and liberalization of management, but also to provide reasonable proposals for the standardization of regulatory and legal provisions in the field of aviation transport.

It must be stated that almost no attention was paid to the definition of the essence and content of the state regulation of the use of the airspace of Ukraine, and the rapid updating of the current national legislation regulating this sphere of public relations necessitates the implementation of additional scientific research and determines the relevance of the chosen topic. Therefore, the purpose of the presented article is to clarify the legal nature and content of the state regulation of the use of the airspace of Ukraine.

3. Results and discussion

State regulation of the aviation industry is currently the most optimal form of state influence on social relations by establishing universally binding aviation rules of conduct for all participants in order to satisfy public and private interests in this area. Usually, «state regulation» is a static category that is practically implemented through a certain «mechanism» (Svitlychna, 2017).

We consider it expedient to start research on clarifying the meaning of the term «state regulation». The word «regulate» comes from the Latin «regulo» – to arrange. The online dictionary of foreign words defines the term «regulate» as: to submit to a certain order, rule, arrange; to do something to obtain the required indicators, the required degree of something (Interpretive dictionary of foreign words, 2023).

From the analysis of the legislation of Ukraine, we see that the concept of «regulation» is used in the names of the terms of the regulatory and legislative framework of Ukraine more than a hundred times.

Among them, the most important for our research are the following: State regulatory body of aviation activity of Ukraine – «(body) that has the authority to act directly on behalf of the state in case of execution of all official procedures in the field of aviation...» (Legislation of Ukraine, the term «State regulatory body of aviation of Ukraine (authorized state body of civil aviation)); Regulation of airspace (Regulation) – «a method of bringing the need to use airspace in accordance with the declared capacity of air traffic service bodies by limiting the number of flights that plan to enter the specified airspace or airfield...» (Legislation of Ukraine, the term «Regulation of airspace (Regulation)»).

So, as we can see, state regulation involves purposeful powerful influence of a state body with the help of the entire set of legal means. However, the term «legal regulation», unlike the category «state administration», does not include any powerful activity of authorized bodies and officials, but only that which aims to direct the behavior of participants in social relations in a clearly defined direction, regulated by the rule of law and individual acts based on it (Osaulenko, 1997).

R. Demkiv sees legal regulation as a legal phenomenon, which is actions and operations carried out by state authorities in established procedural forms with the help of certain methods and with the use of legal means aimed at establishing and implementing certain models of social development (Demkiv, 2015). A. Kulish considers «legal regulation» as an influence on the behavior of participants in social relations carried out in the interests of society with the help of legal norms in order to establish and regulate the latter» (Kulish, 2003: 62).

Therefore, it can be argued that the content of state regulation goes beyond the scope of the activities of executive authorities. In addition, regulation is aimed not only at management objects, but is also intended to influence the social environment of these objects, i.e., social phenomena and processes, the existence of which ensures an impact on the state of a certain management object. From a social point of view, state regulation is used in the interests of the entire society both to activate forms of activity necessary for society and to limit undesirable forms of business.

It guarantees equal business conditions, the stability of the rules of economic behavior, promotes the manifestation of the effectiveness of the parties to market relations and limits their negative consequences. If you rely only on market forces, then structural restructuring will be a matter of the distant future without a guarantee of optimal proportions, and if you do not regulate prices and tariffs, then economic ties between the regions of the country will be severed.

The state carries out regulation by adopting laws and normative legal acts common to the entire transport system, regardless of the type of transport, the territorial location of certain objects, the economic situation, the profitability or unprofitability of individual enterprises and industries and others.

According to the American economist M. Porter (Porter and Kramer, 2006), the most important function of the state is not to provide direct assistance to industries and firms, but to focus them on solving increasingly large and complex tasks that the spontaneous market cannot set before them.

Among the main functions of state regulation in the doctrine, target, stimulating, normative, corrective, social, direct management of the non-market sector of the economy, controlling, as well as exclusive functions of the state in the economic, ecological and social spheres are distinguished (Buryk, 2017). At the same time, the Ministry of Infrastructure of Ukraine emphasizes that:

State regulation of activities in the field of aviation and the use of airspace of Ukraine consists in the formation of state policy and development strategy, definition of tasks, functions, conditions of activity in the field of aviation, application of aviation safety measures, adoption of mandatory aviation rules of Ukraine, in the implementation of state control over their implementation and establishing responsibility for their violation» (General information about the industry, 2022: n/p).

Thus, «state regulation» is a process implemented by various branches of state power by available legal means with the aim of influencing the relevant social environment to ensure the conditions for the effective activity of subjects and objects of management in the directions that are

desirable and useful for the development of a certain industry and state in general.

The content (structure) of the air transport industry is the environment, activities of individuals and legal entities (organizations, operators, users, aviation personnel and ground service entities, air carriers, providers, passengers, other entities) for the implementation of flights and aviation operations. The field of transport aviation requires the organization of air traffic and the use of air space, air navigation services, ensuring the operation of air traffic routes, air lines and regulation slots. The use of aircraft (including unmanned ones) requires airfields and heliports, airstrips and airfield areas, airports, appropriate means of communication, navigation and surveillance (radio technical support), meteorological service, etc.

The development of the aviation industry is also connected with the availability of relevant manufacturers and developers, the ability to carry out repair work, the availability of a scientific and technical base and specialists capable of ensuring the production and repair of objects of aviation activity in a closed cycle (by the way, this is the level of development in the whole world characterized by only about a dozen countries) (Brusakova, 2020).

It can be seen from the above that activities in the field of transport aviation are built and developed in the relations of a large number of subjects with various goals and interests inherent in them. However, from the point of view of state regulation, the air transport industry in general can be characterized as a circle of issues, the promotion of the solution of which should be a priority of the state. The list of these issues includes: ensuring aviation safety, developing the national economy, meeting the needs of society and ensuring environmental responsibility (Brusakova, 2020).

We will carry out a detailed analysis of the legal framework as the basis of state regulation of transport activities, which should ensure effective interaction of transport enterprises, state protection of the rights of consumers of transport services, safety of the transport process and environmental protection. The activity of state regulation of the use of airspace is not an exception in this aspect, which, in view of the multifaceted nature of these social relations, affects all of the aspects of the functioning of transport named by the scientist to the greatest extent compared to other sectors (automotive, railway, pipeline transport, etc.).

That is why the primary importance among the legal acts on the basis of which state regulation of the use of airspace is carried out is the Basic Law of Ukraine (Constitution Of Ukraine, 1996), the provisions of which: establish the principles of such regulation; determine the basis of the legal status of some of the subjects of such activity; is the legal basis for all other legislation.

Given the fact that the airspace of Ukraine is used by a significant number of foreign aviation entities, international legal standards, which have found their objectification in the provisions of the relevant international treaty of Ukraine, are of particular importance in the aspect of state regulation of this field of public relations. In this regard, the position that regulatory legal acts regulating the activities of types of transport should be developed in their harmonization with international legal acts seems fair. That is, the international treaties of Ukraine should be considered as a basis for the adoption of national normative legal acts on the implementation of state regulation of the use of the airspace of Ukraine.

First of all, among such international legal acts, the Convention on International Civil Aviation of December 7, 1944 should be mentioned, which defines the following aspects of state regulation of the use of airspace: The contracting states recognize that each state has full and exclusive sovereignty over the airspace over its territory (Article 1); the territory of the state means the land territories and territorial waters adjacent to them, which are under the sovereignty, suzerainty, protectorate or mandate of the given state (Article 2); in the prescribed cases, each Contracting State undertakes not to allow the operation of airlines of any Contracting State in the airspace over its territory (Article 87); defines the essence of international air traffic as air traffic carried out through the airspace over the territory of more than one state; etc. (Convention On International Civil Aviation, 1944).

At the same time, the appendices (a total of 18) to the Convention on International Civil Aviation are of particular importance, among which, in the context of state regulation of the use of Ukrainian airspace, it is necessary to highlight: Appendix 2 «Flight Rules», which contains only standards and does not contain recommended practice, and Appendix 11 «Air Traffic Services», which emphasizes that today air traffic control, flight information and alerting services, which together form what is called air traffic services, are among the most important components of the mandatory ground support, necessary for safe and efficient air traffic around the world.

At the same time, the world airspace is divided into a number of adjacent flight information areas, within which air traffic service is provided. The main purpose of air traffic services, as defined in the annex, is to prevent collisions between aircraft at all stages of their movement, be it taxiing, take-off, landing, en-route or waiting at the destination airport (Convention On International Civil Aviation, 1944).

Another important group of normative legal acts, on the basis of which the state regulation of the use of the airspace of Ukraine is carried out, are the laws of Ukraine, including acts of codified legislation. The main regulatory legal acts include the Air Code of Ukraine dated 19.05.2011, the preamble of which states that the purpose of state regulation of the use of

airspace of Ukraine is to guarantee aviation safety, ensure the interests of the state, national security, and the needs of society and the economy in air transportation and aviation works (Air code of Ukraine. Law of Ukraine, 2011).

The legal principles of state regulation of the use of airspace of Ukraine are also enshrined in numerous laws of Ukraine, including: the Law of Ukraine «On Protection of the Natural Environment» dated 25.06.1991 (On Protection Of The Natural Environment, 1991); the Law of Ukraine «On the State Border of Ukraine» dated November 4, 1991 (On The State Border Of Ukraine, 1991); the Law of Ukraine «On Protection of Atmospheric Air» dated 16.10.1992 (On Protection Of Atmospheric Air, 1992); the Law of Ukraine «On the State Program of Aviation Safety of Civil Aviation» dated March 12, 2017 (On The State Program Of Aviation Safety Of Civil Aviation, 2017); the Law of Ukraine «On Border Control» dated November 5, 2009 (On Border Control, 2009), etc.

A special place among the acts defining the legal basis of the state regulation of the use of the airspace of Ukraine is occupied by subordinate legal acts. It should be noted that the framework of the laws of Ukraine does not fully allow to predict the entire complex of situations that may be subject to such regulation in the future.

That is why the legislation provides for the possibility of independent regulation of public relations by state-authorized subjects with the help of the issuance of a subordinate regulatory legal act, which allows, for example, to quickly determine the competence of public administration subjects, to establish the rights and obligations of a person within the limits of relevant public relations.

Among the acts of central executive bodies, on the basis of which the state regulation of the use of airspace is carried out, those adopted by the Ministry of Infrastructure, the Ministry of Defense of Ukraine and the State Aviation Service should be mentioned.

The most numerous group of secondary legal acts, the provisions of which determine the specifics of the state regulation of the use of airspace, are those adopted by the State Aviation Service. At the same time, it should be noted that the fundamental aviation rules of Ukraine, which determine the peculiarities of the state regulation of the use of the airspace of Ukraine, were approved by joint orders of the State Aviation Service and the Ministry of Defense of Ukraine.

Yes, the procedure for civil and state aircraft flights, the procedure for air traffic maintenance, the procedure for air traffic control, which guarantee the safety of flights when using the airspace of Ukraine and the airspace over the open sea, where the responsibility for air traffic maintenance is assigned to Ukraine by international treaties of Ukraine , civil and state

aviation are defined in the Aviation Rules of Ukraine «General rules for flights in the airspace of Ukraine», which were approved (Order Of The State Aviation Service Of Ukraine And The Ministry Of Defense Of Ukraine No. 66/73, 2017).

Directly, the requirements regarding the organization and procedure for the use of the airspace of Ukraine by airspace users are defined in the Aviation Rules of Ukraine «Rules for the Use of the Airspace of Ukraine», approved by the joint order of the State Aviation Service and the Ministry of Defense of Ukraine No. 430/210 dated 11.05.2018 (Order Of The State Aviation Service Of Ukraine And The Ministry Of Defense Of Ukraine, 2018; Aviation Rules Of Ukraine “Rules For The Use Of The Airspace Of Ukraine” No. 430/210, 2018).

In general, we can state that compared to other levels of normative and legal regulation, the sub-legal level allows for the fastest regulation of relevant social relations. However, a large number of such acts, including those issued by various law-making entities, greatly complicates their perception and law enforcement in general, and therefore, in our opinion, needs its revision, which can be carried out by systematizing legislation (Brusakova, 2020).

Among the norms of international and national legislation that regulate relations in the specified sphere, it is worth emphasizing the key role of the administrative-legal mechanism of state regulation of the aviation industry, which covers the largest part of legal relations in the specified sphere. It is with its help that relations are regulated and the balance of private and public interests in the field of aviation is maintained with the help of administrative and legal means

The implementation of almost all of the above measures of state regulation of the use of airspace of Ukraine is entrusted to the bodies of the joint civil-military system of organization of air traffic of Ukraine (hereinafter – the joint system).

Thus, in accordance with the Regulation «On the United Civil-Military System of the Organization of Air Traffic of Ukraine», the united system consists of units whose powers and activities are related to the organization of air traffic in the airspace of Ukraine and in the international airspace under the responsibility of Ukraine.

At the same time, these divisions are part of the State Enterprise of Air Traffic Services of Ukraine (Resolution Of The Cabinet Of Ministers Of Ukraine, No. 1281, 1999). In accordance with the order of the Ministry of Infrastructure dated 18.12.2018 No. 641, which approved the ownership policy of the State Enterprise of Air Traffic Services of Ukraine, the specified enterprise is a state-owned commercial enterprise, which is based on state property and belongs to the sphere of management of the Ministry of

Infrastructure (Resolution Of The Cabinet Of Ministers Of Ukraine, No. 1281, 1999).

At the same time, the State Enterprise of Air Traffic Services of Ukraine is Ukraeroruh. The main operational unit of the unified system is the Ukrainian Airspace Planning Center of Ukraine – Ukraerocentr, which is part of Ukraeroruh (Resolution Of The Cabinet Of Ministers Of Ukraine No. 1281, 1999). It follows that direct state regulation of the use of Ukrainian airspace is carried out by Ukraeroruh and Ukraerocentr using the means provided for by legislation. Such means as a whole form the methods of state regulation of the use of airspace.

It should be noted that on February 24, 2022, the state enterprise for air traffic maintenance of Ukraine «Ukraerorukh» suspended the provision of air traffic maintenance services to civilian users of the airspace of Ukraine due to the high risk to aviation safety for civil aviation. And already on February 28, 2022, it was reported that force majeure occurred due to the large-scale military aggression of the Russian Federation against Ukraine, as a result of which the execution of agreements, contracts, agreements and other acts in the aviation sector became impossible.

Currently, Ukrainian airports are under constant danger from potential shelling, and unlike, for example, the grain initiative, under which international organizations, in particular the UN, provide a guarantee of transportation, the aviation recovery of flights will be much more difficult. After all, the organization of air or missile attack by guided high-precision weapons of the aggressor country takes a fairly short period of time.

Under such conditions, the Armed Forces of Ukraine must guarantee that such missiles will be shot down. In addition, we need guarantees from our allies regarding the use of anti-missile defense systems of European Union countries on the territory of Ukraine in case of shelling. Currently, this is one of the key problems, the solution of which will enable the use of our airports for civilian needs (Zhdanova, 2022).

In addition to the destruction of a large part of the infrastructure of the Ukrainian civil aviation, Ukraine is experiencing large losses among highly qualified specialists. The issue of training civil aviation specialists and developing strategies for building aviation potential is extremely relevant and important for Ukraine.

That is why today an important task is to establish partnership relations in the aviation industry, which will help to make up for lost time. Even under martial law, Ukrainian airlines continue to operate abroad, demonstrating the powerful potential of aviation (The Minister of Education and Science of Ukraine participates in the 41st session of the Assembly of the International Civil Aviation Organization, 2022).

It is logical to imagine that when civil aviation resumes operations in Ukraine, there will be a problem of a lack of pilots, the absolute majority of whom are currently losing their qualifications. The loss of qualification not only of flight personnel, but also of technical and dispatching personnel is a very big problem that should be solved now. Unfortunately, Ukraine does not have a single training center for pilots or simulators for Western aircraft used in Ukraine (Zhdanova, 2022).

Under such conditions, before the resumption of civil aviation flights, the state must develop a comprehensive plan for maintaining the qualifications not only of air carriers, but also of the entire aviation industry.

Conclusions

State regulation of the use of airspace is the activity of authorized subjects by available legal means, which is carried out by them in connection with aircraft flights, the movement (stay) of material objects in the airspace of Ukraine, the implementation of a number of other works and activities related to the use of airspace space, through the implementation of a set of legally established means to guarantee aviation safety, ensure the interests of the state, national security, and the needs of society and the economy in air transportation and aviation operations.

The main measures by means of which the state regulation of the use of airspace is carried out are: granting permits, establishing conditions, prohibitions and restrictions on the use of airspace; establishing the structure of the air space; confirmation of air traffic service routes; implementation of airspace classification; planning and coordination of airspace use; consideration of applications for the use of airspace; coordination of activities related to the use of airspace and civil-military coordination; determining the procedure for aircraft crossing the state border and using the airspace of the zone with a special mode of airspace use; implementation of control over compliance with the procedure and rules for the use of the airspace of Ukraine.

The regulatory basis for the implementation of measures of state regulation of the use of airspace is a significant number of normative legal acts, the main ones of which are: the Constitution of Ukraine, international treaties of Ukraine, acts of codified legislation and laws of Ukraine, subordinate normative legal acts. The large number of acts of the sub-legal level, issued by various subjects of rule-making, complicates their perception and law enforcement as a whole and requires systematization.

Among the norms of international and national legislation that regulate relations in the field of air transport, the key role belongs to the

administrative-legal mechanism of state regulation, which regulates relations and maintains the balance of private and public interests in the field of aviation with the help of administrative-legal means.

The task of direct state regulation of the use of Ukrainian airspace is entrusted to Ukraeroruh and Ukraerocenter. Before the resumption of civil aviation flights after the end of military operations on the territory of Ukraine, a comprehensive plan for maintaining the qualifications of not only air carriers, but also the entire aviation industry must be developed at the state level.

Bibliographic References

AIR CODE OF UKRAINE. 2011. May 19, 2011 No. 3393-VI. Available online. In: <https://cis-legislation.com/document.fwx?rgn=45409>. Consultation date: 21/02/2023.

BRUSAKOVA, Oksana. 2020. "Foreign experience of state regulation in the branch of air transport and possibilities of its use in Ukraine" In: Scientific legal journal. Vol. 11, pp. 133143.

BURYK, Zoryana. 2017. "Functions of state regulation of sustainable development in modern conditions" In: Efficiency of public administration. Vol. 1, No. 4(53), pp. 73–79.

CONSTITUTION OF UKRAINE. 1996. No. 254k/96-VR. Available online. In: <https://www.president.gov.ua/documents/constitution>. Consultation date: 21/02/2023.

CONVENTION ON INTERNATIONAL CIVIL AVIATION. 1944. No. 995-038. Available online. In: https://zakon.rada.gov.ua/laws/show/995_038#Text. Consultation date: 21/02/2023.

DARAGANOVA, Nina. 2010. "Discussion issues of classification of subjects of administrative law (on the example of the crew of the aircraft of Ukraine)" In: Bulletin of the National Technical University of Ukraine "Kyiv Polytechnic Institute". Political science. Sociology. Right. Vol. 8, No. 4, pp. 227–232.

DEMKIV, Roman. 2015. "Legal regulation as a legal phenomenon: certain aspects of understanding" In: Scientific Bulletin of Uzhhorod National University, Series Law. Vol. 1, No. 34. pp. 19–23.

EXPLANATORY DICTIONARY OF FOREIGN WORDS. 2023. Available online. In: <https://www.jnsm.com.ua/cgi-bin/u/book/mySIS>.

pl?showSISid=46609864-6427&action=showSIS&h=f. Consultation date: 21/02/2023.

GENERAL INFORMATION ABOUT THE INDUSTRY. 2022. Available online. In: <https://mtu.gov.ua/content/informaciya-pro-aviatransport.html>. Consultation date: 21/02/2023.

GOVERNMENT PORTAL. 2022. The Minister Of Education And Science Of Ukraine Participates In The 41St Session Of The Assembly Of The International Civil Aviation Organization. Available online. In: <https://www.kmu.gov.ua/news/ministr-osvity-i-nauky-ukrainy-bere-uchastu-41-i-sesii-asamblei-mizhnarodnoi-orhanizatsii-tsyvilnoi-aviatsii>. Consultation date: 21/02/2023.

KULISH, Anatoliy. 2003. Organizational and legal support of the status of tax police officers of Ukraine. Thesis. Kharkiv, Ukraine.

LAW OF UKRAINE. 1991. On Environmental Protection. No. 1264-XII. Available online. In: <https://zakon.rada.gov.ua/laws/show/1264-12#Text>. Consultation date: 21/02/2023.

LAW OF UKRAINE. 1991. On the State Border of Ukraine. No. 1777-XII. Available online. In: <https://zakon.rada.gov.ua/laws/show/1777-12#Text>. Consultation date: 21/02/2023.

LAW OF UKRAINE. 1992. On the Protection of Atmospheric Air. No. 2707-XII. Available online. In: <https://zakon.rada.gov.ua/laws/show/2707-12#Text>. Consultation date: 21/02/2023.

LAW OF UKRAINE. 1994. On Transport. No. 232/94-BP. Available online. In: <https://zakon.rada.gov.ua/laws/show/232/94-bp>. Consultation date: 21/02/2023.

LAW OF UKRAINE. 2009. On Border Control. No. 1710-VI. Available online. In: <https://zakon.rada.gov.ua/laws/show/1710-17#Text>. Consultation date: 21/02/2023.

LAW OF UKRAINE. 2017. On the State Program of Aviation Security of Civil Aviation. No. 1965-VIII. Available online. In: <https://zakon.rada.gov.ua/laws/show/1965-19#Text>. Consultation date: 21/02/2023.

ORDER OF THE MINISTRY OF INFRASTRUCTURE OF UKRAINE. 2018. On Approval Of The Ownership Policy Of The State Air Traffic Service Enterprise Of Ukraine No. 641. Available online. In: <https://ips.ligazakon.net/document/FN049111?an=1>. Consultation date: 21/02/2023.

- ORDER OF THE STATE AVIATION SERVICE OF UKRAINE AND THE MINISTRY OF DEFENSE OF UKRAINE. 2018. Aviation Rules of Ukraine “Rules for The Use of The Airspace of Ukraine”. No. 430/210. Available online. In: <https://zakon.rada.gov.ua/laws/show/z1056-18#Text>. Consultation date: 21/02/2023.
- ORDER OF THE STATE AVIATION SERVICE OF UKRAINE AND THE MINISTRY OF DEFENSE OF UKRAINE. 2017. On Approval of The Aviation Rules of Ukraine “General Rules Of Flights In The Airspace Of Ukraine”. No. 66/73. Available online. In: <https://zakon.rada.gov.ua/laws/show/z0654-17#Text>. Consultation date: 21/02/2023.
- OSAULENKO, Olexander. 1997. Constitutional basis for the formation of the content and system of legal regulation of the status of prisoners sentenced to imprisonment and their implementation in the legislation of Ukraine (general theoretical issues). Thesis. Kiev, Ukraine.
- PORTER, Micheal; KRAMER, Mark. 2006 “Strategy and Society: The Link Between Competitive Advantage and Corporate Social Responsibility” In: Harvard Business Review, pp. 78–92.
- RESOLUTION OF THE CABINET OF MINISTERS OF UKRAINE. 1999. On the Establishment Of A Joint Civil-Military Air Traffic Management System Of Ukraine. No. 1281. Available online. In: <https://zakon.rada.gov.ua/laws/show/1281-99-%Do%BF#Text>. Consultation date: 21/02/2023.
- SVITLYCHNA, Julia. 2017. Administrative and legal principles of state regulation of foreign investment in Ukraine. Thesis. Kharkiv, Ukraine.
- ZHDANOVA, Iryna. 2022. Closed skies: under what conditions in Ukraine will airlines resume flights and at which airports. Officials and airline executives are responsible. Available online. In: <http://www.nrcu.gov.ua/news.html?newsID=99694>. Consultation date: 21/02/2023.



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