

PUBLIC ADMINISTRATION ENTITIES FOR COMPENSATION OF DAMAGE CAUSED TO CITIZENS' PROPERTY AS A RESULT OF ARMED AGGRESSION

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Annotation. The article is devoted to the study of public administration entities in the field of compensation for damage caused to citizens' property as a result of armed aggression, which is a pressing issue of modern Ukrainian law under martial law. The range of entities is revealed, including executive authorities, local self-government bodies, military administrations, specially established state commissions, and other authorized bodies that ensure the implementation of compensation measures. Their functions and competencies are defined, focusing on organizing the registration of the damage, making compensation decisions, and monitoring compliance with the law in this area.

Special attention is given to the interaction of public administration entities, on which the timeliness and efficiency of damage compensation depend. It is emphasized that the clear delineation of powers and responsibilities between state authorities, local self-government bodies, and specialized structures ensures procedural transparency and the protection of citizens' rights. The scientific novelty lies in the systematization of the role of public administration entities and the substantiation of their importance in forming an integrated mechanism for compensating damage under conditions of armed aggression and during the post-war reconstruction of Ukraine.

Key words: administrative law, public administration, damage compensation, armed aggression, citizens' property, compensation, principles of administrative law, legal regulation, martial law, human rights protection, executive authorities, local self-government, public procedures, legal certainty, international standards.

1. Introduction

The issue of compensating damage caused to citizens' property as a result of armed aggression has become one of the most pressing challenges for modern Ukrainian law, particularly in the context of the ongoing full-scale military invasion of the Russian Federation. The large-scale destruction of residential buildings, infrastructure facilities, and private property has created an urgent need for an effective, coherent, and legally sound system of public administration capable of ensuring the protection of citizens' rights and the real restoration of their violated property interests. Within this framework, public administration entities play a key role, as they are entrusted with the organization, coordination, and implementation of state compensation policies under martial law.

The study of public administration entities in this field is essential for understanding the institutional and functional mechanisms through which the state fulfills its compensation obligations. These entities include executive authorities, local self-government bodies, military administrations, specially created state commissions, and other authorized institutions. Their coordinated activities determine the timeliness, transparency, and efficiency of compensation procedures, as well as compliance with the principles of legality, justice, and the rule of law. A comprehensive analysis of their powers, competencies, and interactions makes it possible to improve the legal framework, optimize administrative procedures, and enhance the effectiveness of post-war recovery efforts in Ukraine.

2. Analysis of scientific publications.

O.M. Bandurka examined the general issues of administrative and legal protection of citizens' rights in crisis situations, while I.O. Sokolova studied legal regimes and their role in ensuring the normative order of social relations. D.V. Kosse analyzes aspects of the protection of individuals' rights within public administration and the necessity of effective compensation procedures. Special attention should be given to the works of M. Pitsyk, devoted to the activities of public authorities under states of emergency and martial law, which define the basic principles of their functioning that are directly relevant to the procedure of damage compensation. The studies of V. Shkarupa and O. Synkevych reveal the issues of legal regulation of the activities of special commissions for damage assessment and the mechanisms of interaction between the state and citizens in the field of compensation.

An important role in shaping scientific approaches to this topic is played by the practice of the European Court of Human Rights, based on the provisions of Article 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms. The research of T.V. Podorozhna and L.S. Pashko demonstrates the importance of implementing international standards to ensure effective legal remedies in cases of the destruction or damage of property as a result of armed conflicts.

3. The aim of the work.

The purpose is to reveal the types and powers of public administration entities for compensation of damage caused to citizens' property as a result of armed aggression.

4. Review and discussion.

Conceptually, public administration encompasses two dimensions. First, it is the functioning of the organizational structure of public governance: the regulatory framework, institutions, procedures, and personnel funded by the state budget and responsible for implementing state policy. Second, it is the practical activity related to the execution of governmental decisions and the provision of public services to citizens and legal entities.

In turn, the category of **"public administration entities"** is closely connected to the concept of legal subjectivity in administrative law. According to certain scholars, particularly V. Tereshchuk, this category includes persons who possess the legal status of subjects of administrative law and perform activities in the sphere of public administration. They should be viewed not only as classic executive and local self-government bodies but also as entities performing public functions, such as state funds, agencies, and digital platforms [1, p. 86].

Thus, **public administration entities** should be understood as subjects of administrative law that, on the basis of regulatory legal acts, are vested with the authority to perform public functions, implement the tasks of executive power, provide administrative services, and execute managerial decisions. This category includes both executive and local self-government bodies, as well as other entities vested with public-law functions. Their activities are characterized by a focus on satisfying public needs, ensuring the protection of human rights and freedoms, and maintaining the effective functioning of the administrative system in a democratic, legal, and social state.

Accordingly, **public administration entities for compensating damage caused to citizens' property as a result of armed aggression against Ukraine** are the authorities and institutions vested with the corresponding public powers that, based on legal acts, carry out public administrative activities aimed at meeting socially significant interests through the implementation of procedures, decisions, and actions within the administrative-legal mechanism for restoring violated property rights.

Public administration entities are divided into two main groups. The first includes executive authorities and local self-government bodies, which possess clearly defined powers and are the primary bearers of public authority functions. The second group consists of public-law legal entities, which, although not classical government bodies, are empowered by law or delegated acts to perform specific administrative functions in the pursuit of the public interest.

In the field of compensation for damage caused to citizens' property as a result of armed aggression against Ukraine, public administration entities perform both strategic and operational functions, including: legislative and regulatory activities, administration of compensation procedures, maintenance of registries, decision-making on compensation, and oversight of fund allocation. Their activities directly affect the realization of citizens' right to compensation, the effective protection of property rights, and the observance of principles of social justice and legal certainty.

Given this, it is appropriate to identify the **main public administration entities** vested with powers in the field of compensation for damage caused to citizens' property as a result of armed aggression, and to analyze their legal status under the current legislation of Ukraine. Let us consider them step by step.

The highest executive authority in Ukraine is the **Cabinet of Ministers of Ukraine**, which, under Article 113 of the Constitution of Ukraine, is a collegial body exercising executive power, directing and coordinating the work of ministries and other executive authorities, and ensuring the implementation of state policy in the relevant areas, including compensation for damage caused to citizens' property due to armed aggression against Ukraine.

The competence of the Cabinet of Ministers in this field is also based on Article 20 of the **Law of Ukraine "On the Cabinet of Ministers of Ukraine"** [2], according to which the government ensures the realization of citizens' rights and freedoms, takes measures to eliminate the consequences of emergencies, and coordinates the activities of local executive bodies in the field of social protection and the restoration of damaged property.

For the regulatory settlement of the compensation process for destroyed or damaged real estate, the Cabinet of Ministers approves relevant by-laws that establish mechanisms for implementing public policy on compensation for civilian losses, including electronic document management, submission of applications through the "Diia" digital portal, and the organization of relevant local commissions.

The key **central executive authorities** playing a crucial role in the formation, implementation, and coordination of state policy on compensation for damage caused to citizens' property in connection with armed aggression are: the Ministry for Communities, Territories and Infrastructure Development of Ukraine, the Ministry of Finance of Ukraine, the Ministry of Justice of Ukraine, and the Ministry of Economy of Ukraine. Their activities are public-administrative in nature and are carried out strictly within the limits of their legally defined competence.

The **Ministry for Communities, Territories and Infrastructure Development of Ukraine** serves as the primary coordinator of recovery processes and ensures the realization of the right to compensation for destroyed or damaged housing. According to Clause 1 of its Statute, approved by Resolution No. 1428 of the Cabinet of Ministers of 28 December 2022, the Ministry is the principal body in the system of central executive authorities responsible for state policy in regional development, spatial planning, recovery of facilities damaged or destroyed as a result of armed aggression, as well as housing and utilities policy [3].

The **Ministry of Finance of Ukraine**, according to its Statute approved by Resolution No. 375 of 20 August 2014, forms and implements the state's budgetary, financial, and tax policies and ensures the distribution of budgetary resources, including within compensation and recovery programs [4].

The **Ministry of Justice of Ukraine**, guided by Article 1 and Clause 3 of its Statute approved by Resolution No. 228 of 2 July 2014, ensures legal support of the compensation process, including the development of regulatory acts, maintenance of relevant registries (including the State Register of Property Rights to Real Estate), and the implementation of administrative procedures related to property rights protection [5].

The **Ministry of Economy of Ukraine**, according to its Statute approved by Resolution No. 459 of 20 August 2014, develops economic policy for resource mobilization, coordinates donor assistance, and monitors the effectiveness of state programs in the field of property restoration. It also facilitates the formation of interdepartmental approaches to the implementation of public-private partnership projects in the field of infrastructure reconstruction [6].

Another central executive authority that cannot be overlooked is the **State Agency for the Restoration and Development of Infrastructure of Ukraine**, which plays a key coordinating and executive role in the system of post-war restoration of housing, utilities, and transport infrastructure, as well as in implementing measures aimed at eliminating the consequences of destruction caused by the Russian Federation's aggression [7].

Local state administrations are key public administration entities authorized to implement state policy in the field of social protection, housing and utilities, and emergency response. According to Article 118 of the Constitution of Ukraine, executive power in oblasts and districts is exercised by local state administrations, which are accountable to the Cabinet of Ministers and, within their powers, to the respective regional and district councils [8].

Military administrations operate as temporary public authorities in areas under martial law, exercising the powers of local executive bodies and local self-government where necessary [9; 10]. They are empowered to receive, verify, and process citizens' compensation applications, provide explanations, and coordinate with other state bodies to ensure the protection of victims' rights.

Local self-government bodies play an essential role in implementing damage compensation policy through their delegated and own powers within territorial communities [11]. They participate in housing restoration programs, administer applications for compensation, and may cooperate with military administrations in processing claims and maintaining technical inventories of damaged property.

A special role in Ukraine's public administration system of compensation belongs to the **Commission for the Review of Compensation for Destroyed Real Estate Objects**, which operates as a consultative and administrative body under executive and military administrations. Although it is not a separate legal entity, its functional essence is that of a quasi-judicial body, performing administrative evaluation of the legal grounds for granting compensation. Its decisions, while formally advisory, carry administrative-legal significance, affect property rights, and may be appealed administratively or in court.

Thus, despite its formal status as an advisory body, the Commission effectively serves as a specialized instrument of administrative resolution of public-law disputes within the procedure for compensating citizens' property losses caused by armed aggression.

5. Conclusions.

Given the above, there is a clear need for systematic improvement of the regulatory and organizational mechanism for evidence collection and access to necessary information. Therefore, in our view, it is advisable to introduce the following measures:

Centralized access for Commissions to information systems, including the State Register of Property Rights to Real Estate, notarial registers, technical inventory bureaus, cadastral registers, and others. Such access should be integrated through an interdepartmental platform with corresponding powers established at the level of a Cabinet of Ministers of Ukraine resolution.

Introduction of the presumption of de facto possession for properties that have been in long-term use, especially in rural areas, with the possibility of using witness statements as supporting evidence.

Granting procedural status to photo and video recordings, geospatial imagery, as well as evidence obtained from public sources (including "Google Maps," satellite services, and social media).

Creation of an integrated electronic database of damages, into which confirmations of property damage or destruction will be automatically uploaded by state authorities, military administrations, law enforcement agencies, or international missions.

Another significant challenge in the functioning of the Commissions for Compensation for Destroyed Property is the risk of conflicts of interest among commission members, particularly in cases where such commissions are formed under local self-government bodies. There is an increased likelihood of family, professional, or property ties between commission members and applicants, which may affect the objectivity of case consideration.

Legislation contains only a general provision requiring a commission member to declare a conflict of interest and recuse themselves from decision-making. However, there is no mechanism to verify the accuracy of such declarations, no procedures for validating the information provided, no sanctions for deliberate concealment of conflicts of interest, and no provisions for challenging commission decisions on these grounds by other interested parties.

This creates legal uncertainty, violates the principle of integrity in public administration, contradicts the provisions of the Law of Ukraine “On Prevention of Corruption” concerning the avoidance of conflicts of interest (in particular, Articles 1, 28, and 35), and establishes a foundation for abuse of administrative resources, which may discredit the compensation mechanism in the eyes of citizens.

In this regard, strengthening regulatory safeguards against abuse through conflicts of interest within commission membership is advisable. Specifically, we propose:

Introducing mandatory pre-screening of commission members for conflicts of interest by submitting an electronic integrity declaration prior to the start of the commission’s work, with entries recorded in a separate register of the authorized body.

Granting external procedural monitoring rights to representatives of civil society organizations, the ombudsman, or human rights institutions, enabling them to oversee procedural impartiality during commission meetings and initiate official investigations in case of misconduct.

Expanding the grounds for appealing commission decisions, allowing for the annulment of a decision if an undisclosed conflict of interest is discovered, even after its approval by the authorized body.

In conclusion, it is necessary to emphasize that the effectiveness of public administration entities largely depends on comprehensive and detailed regulatory enshrinement of their powers, proper staffing, interagency coordination, and access to information resources. Ensuring clear coordination between central executive bodies, local self-government authorities, specialized commissions, and authorized officials creates the prerequisites for a systematic approach to the compensation process, based on the principles of legal certainty, proportionality, and accessibility.

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