

addition, in the scientific, educational and methodological literature this issue is not given the necessary attention, there is still no consensus on the content of “newly revealed circumstances”. For sufficient analysis and study of this topic, we paid considerable attention to the study of the institute for the review of judicial decisions on newly discovered circumstances, in accordance with the requirements of the Convention for the Protection of Human Rights and Fundamental Freedoms and the practice of the European Court of Human Rights regarding the right to a fair hearing in civil cases.

**Keywords:** *newly discovered circumstances, exceptional circumstances, civil process, right to a fair trial, civil proceeding.*

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#### **PROBLEMS OF LEGAL REGULATION OF ECONOMIC ACTIVITIES IN UKRAINE**

**Наталія Протопопова, Бісваджит Дас. ПРОБЛЕМИ ПРАВОВОГО РЕГУЛЮВАННЯ ГОСПОДАРСЬКОЇ ДІЯЛЬНОСТІ В УКРАЇНІ.** У контексті динамічного розвитку господарських відносин виникає ряд питань, які взагалі не можна розглядати і вирішувати у рамках протистояння окремих правових шкіл – господарників з одного боку, цивілістів та адміністративістів – з іншого.

Час усвідомити, що жодна галузь законодавства (права) не може бути монополістом у регулюванні суспільних відносин у певній сфері. Прикладом тому є земельне, водне, екологічне, сімейне та інші галузі законодавства, що регулюють особисті немайнові та майнові відносини, які мають певні особливості, що зумовлюють їх самостійний характер і відмінність від цивільних відносин. Кінцеве завдання полягає не в тому, щоб скасувати врешті Господарський кодекс України чи домогтися поступового вихолощення сутності господарського права. Сьогодні на законодавчому рівні за участю вчених та за допомогою національної правової доктрини необхідно забезпечити насамперед високу якість регулювання відносин, які становлять основу розвитку країни, в тому числі й у царині економіки, бізнес-середовища. В іншому разі наука стикається з проблемою заперечення природного стану розвитку речей, упорядкованого ще з часів появи права як такого. Складно заперечувати відому істину, – право є регулятором суспільних відносин, відтак, воно у своїй природі обумовлене потребами людини, суспільства, видозмінюється відповідно до потреб людства. Це вказує на об'єктивну обумовленість належного правового регулювання у тій чи іншій сфері, у тому числі й у сфері господарювання, робить його залежним від середовища.

**Ключові слова:** *правове регулювання, господарська діяльність, актуальні проблеми правового регулювання, перспективи реформування господарської діяльності, класифікація актуальних проблем, правове забезпечення державного регулювання.*

**Relevance of the study.** Economic activity is essentially a very special type of employment that covers all spheres of social life and acts as a driving force for the creative activity of citizens and, of course, is subject to significant influence and control from the state, from taxation to pricing. So, legal regulation creates the environment in which entrepreneurs operate, ensuring the protection of property rights, the fulfillment of contractual obligations, which are essential for the activities of entrepreneurs.

However, now, under the influence of global economic transformations, war in Ukraine

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and the world, subjects of economic activity found themselves in completely new economic conditions, which requires state authorities to build the latest effective concepts of state regulation and support of economic activity. That is why finding the optimal and effective interaction of the state and business sectors is an urgent problem, first of all, for legal reality.

**Recent publications review.** Solving modern issues of improving the legal regulation of economic activity in Ukraine traditionally arouses increased interest in the scientific community. Among legal scholars, it is worth noting the works of such researchers as L. Khomko, H. Kulhavets, D. Breathed, V. Makhinchuk, V. Selivanov, O. Garagonych, V. Shcherbina, B. Sorokin, K. Lebyodkin, etc.

Today, in the conditions of a pandemic and war, the very process of building economic ties has changed radically. In particular, a significant part of business in Ukraine has stopped due to the impossibility of conducting economic activities due to the occupation – factories, shops, beauty salons and cosmetic offices, gyms and group sections, shops (except household and grocery stores), markets, cafes and restaurants (except delivery), long-distance carriers, etc. Part of the enterprises moved exclusively to the online space, which also reduced the markets for the sale of goods and services, and, the amount of income from commercial business [1].

**The article's objective** is to investigate the problems of legal regulation of economic activity in Ukraine and ways of its improvement.

**Discussion.** Economic (business) legislation, which is a set of normative legal acts and legal norms that regulate relations regarding the direct implementation of economic activity and management (including organization) of such activity, is characterized by its branching and multiplicity. Today, the number of legal acts regulating various spheres of business has reached a critical mass. The existence of a codified act, which is the Economic Code of Ukraine, no longer solves the problem. There are objective (dynamism and complexity of economic life and, accordingly, legal regulation) and subjective (insufficient attention to the regulation of economic legislation by the legislator and numerous experiments in the field of economics, each of which requires special legal support) reasons for this.

It is obvious that some of the acts of economic legislation are outdated and are not able to effectively regulate economic relations in modern economic realities, so they require revision and appropriate response from the legislator.

It should be noted that the current state of legal regulation, organization and direct implementation of economic (business) activity is characterized by a number of problems, including:

- irregularity and inconsistencies in approaches to the definition of organizational and legal forms of management, types of economic (business) entities, the presence of contradictions and gaps in determining their legal status, lack of incentives regarding the corporate social responsibility of such entities;

- violation of a reasonable balance in determining the degree and limits of participation of state authorities and local self-government bodies in economic (business) relations, ineffectiveness of management of enterprises of the state and communal sectors of the economy, insufficient economic and legal incentives for the implementation of large-scale infrastructure projects on the basis of public-private partnership, imperfection approaches to the provision of state aid to economic entities, the use of separate means of state regulation and the implementation of state control and supervision in the field of economic (business) activity;

- imperfection of the procedure for consideration by the Antimonopoly Committee of Ukraine of cases of violation of legislation on the protection of economic competition, incomplete compliance of the system of control over the admissibility of state aid for competition with the legal acts of the European Union;

- insufficient level of legal support for the use of property during the organization and implementation of economic (business) activities;

- lack of clear systemic legal provisions regarding methods and legal forms of commercialization of intellectual property rights in the field of business;

- imperfection of the legal basis of accounting and financial reporting of entities of economic (business) activity;

- insufficient legal regulation regarding the conclusion, execution and termination of contracts in the field of economic (business) activity;

- lagging of legal regulation from the existing practice and trends regarding the digitalization of economic (business) activity, the use of the latest electronic and other technologies in this activity, the spread of electronic commerce, the circulation of cryptocurrencies, the introduction of smart contracts, etc.;

- low level of ensuring the protection of the rights and legitimate interests of participants in economic (business) relations;
- imperfection of the provisions on responsibility for the commission of certain types of offenses by business entities, partial inconsistency with the needs of today of the list of grounds for such responsibility and sanctions for the commission of offenses in the field of business;
- excessive regulation and at the same time the presence of gaps, contradictions in the regulation of activities in certain sectors and spheres of the economy;
- unfavorable legal conditions for carrying out innovative, investment, foreign economic activities, integration of Ukraine into the global economic space;
- controversial definition of special management regimes (economic (business) activity in the Armed Forces of Ukraine, economic (business) activity in the state of emergency, carrying out EO, etc.).

The specified problems in the legal sphere, along with other factors, have a negative impact on the state of Ukraine's economy, which is manifested, in particular, in a high level of its "shading", limitation of entrepreneurial initiative, reduction of industrial production, low attractiveness of Ukraine for foreign investors.

It will be necessary to make changes to a significant number of normative legal acts in which there are references to the Civil Code of Ukraine. However, this is a technical job that can eventually be done, although it will take some time.

The other is more difficult:

- How to fill the gaps that will definitely arise in connection with the cancellation of the Civil Code?
- Which current or new laws will include norms related to state regulation of economic activity, without which no state with a developed economy can do?
- By what means and with the help of which mechanisms will the state influence the economy?
- What to do with the right of economic administration and the right of operational management, which, by the way, are used not only in the Civil Code of Ukraine, but also in a number of laws to indicate actually existing rights?

After all, the rejection of these rights in the current Civil Code of Ukraine and their non-acceptance by the representatives of the science of civil law, who make up the majority in the working group on the recodification of civil legislation, did not find support and confirmation in practice. The same can be said about such a business entity as an enterprise, instead of which the current Central Committee of Ukraine proposes the term "company", or about existing economic associations (associations, corporations, concerns, consortia, etc.) that are not at all mentioned in the Central Committee of Ukraine, as they "do not fit" into the civilian understanding of the concept of a legal entity. By the way, the very term "business entity" is used in Art. 13 of the Constitution of Ukraine, part 4 of which states that the state ensures the protection of the rights of all subjects of ownership and management, the social orientation of the economy. Along the way, the question arises whether the state will be able to ensure the social orientation of the economy with the help of the Civil Code, if there is no such term as "economy" and terms derived from it in the current Central Committee of Ukraine.

We can cite many more similar examples, from which a conclusion is suggested regarding the expediency of maintaining a separate (special) legal regulation of relations in the economic sphere. Representatives of the science of economic law are perfectly aware of the need to modernize economic (business) legislation, since, apparently, no sphere of social relations in our country develops and changes as rapidly as relations in the sphere of economy. Since a lot has already been written and said about the expediency of constant improvement of economic legislation, I will only draw attention to the fact that back in 2005, scientists of the Institute of Economic and Legal Research of the National Academy of Sciences of Ukraine developed the Concept of Modernization of Economic Legislation on the basis of the Economic Code of Ukraine (draft), which, unfortunately, it was never implemented.

Of course, today it is already somewhat outdated, but the very fact of its development 2 years after the adoption of the Civil Code of Ukraine is evidence of the urgency of the problem of modernization of economic (business) legislation. This problem, which was at least partially solved by making changes to the Civil Code of Ukraine and other normative legal acts of economic legislation, became even more urgent 16 years after the adoption of the Civil Code of Ukraine.

The problem of codification of economic (business) legislation has recently been hotly

discussed among business scientists. Scientists express their vision and offer different ways of solving it, relying on the experience of those countries in which, along with civil codes, there are special, as a rule, codified legal acts, the norms of which regulate relations in the economic sphere – trade, commercial, economic, business codes, and the application of which in practice has proven its viability.

The main thing, in our opinion, is not whether Ukraine is capable of developing and adopting such a special code. It is definitely capable and we have a significant potential for that. It is important that representatives of our authorities, primarily the Cabinet of Ministers of Ukraine, the Ministry of Justice and other specialized ministries of Ukraine, show interest in this problem and take the necessary measures to create a working group to develop such a code [4].

At the current stage, Ukraine is going through a complex process of forming a new economic legal order, which is characterized, on the one hand, by the rapid development of economic legal relations, and on the other, by the presence of certain problems in law-making and legal practice when solving issues of legal regulation of economic activity in the conditions of the transition to the market economy [2]. In addition, a complete restructuring of the economic system taking into account the challenges of today, is important. Now it is extremely important to take into account the experience of the international community, as well as to build our own model of economic activity, adaptation to new economic conditions. This must be done in a fairly short period of time.

The draft Law No. 8058 "On accelerated review of instruments of state regulation of economic activity" is registered on the VRU website. Its purpose is to create a favorable environment for the accelerated development of business entities and economic growth of Ukraine. Thus, it is proposed to establish the principles of a quick and high-quality revision of the instruments of state regulation of economic activity. In particular, they plan to establish a Commission on accelerated revision of instruments of state regulation of economic activity. She will [1]:

- carry out an analysis of the application of tools of state regulation of economic activity by state authorities that shape policy in the relevant field;
- to make decisions regarding the approval of an exclusive list of instruments of state regulation of economic activity in the relevant field and a plan for converting licenses, permitting documents, the results of the provision of administrative services included in such a list, and other public services into electronic form;
- to make decisions on the approval of draft acts that ensure the transfer into electronic form of licenses, documents of a permissive nature, the results of the provision of administrative services, included in the exclusive list;
- make decisions on the approval of draft acts on the abolition of state regulation in the relevant spheres of economic activity;
- provide for the procedure for accelerated review of instruments of state regulation of economic activity and adoption of relevant decisions;
- from 01.01.2023 on the entire territory of Ukraine, establish a double requirement for the validity of instruments of state regulation: they must be defined by laws and included in the resolution on the exclusive list of state regulation;
- provide that from January 1, 2023, instruments of state regulation of economic activity not defined by laws and not included in the exclusive list are considered invalid;
- to establish that from January 1, 2023, the introduction of a new instrument of state regulation of economic activity in the relevant field is carried out by including the new instrument in the exclusive list of instruments of state regulation of economic activity with the simultaneous cancellation of no less than 2 other instruments of state regulation in such a field.

The government has created an interdepartmental working group on issues of accelerated revision of instruments of state regulation of economic activity. This decision was made at a meeting of the Cabinet of Ministers of Ukraine on January 13, 2023. According to the results of the analysis of the regulatory and legal field in the field of state regulation of economic activities, more than 1,000 instruments of state regulation were identified, in particular: 528 permits, 224 licenses, 157 approvals, 145 conclusions, 121 certificates, 55 declarations, 42 notifications, 33 identity certificates.

The presence of a large number of instruments of state regulation has a negative effect on the initiation of economic activity by economic entities and their entry into the market. It is worth noting that the bureaucratic procedure for obtaining documents of a permissive nature requires large time and financial costs of economic entities, creates an additional administrative burden

on them.

Therefore, to solve these issues, the Interdepartmental Working Group on Issues of Accelerated Review of Instruments of State Regulation of Economic Activity was created. The co-chairs of the group are the First Vice Prime Minister of Ukraine – Minister of Economy and the Vice Prime Minister of Ukraine – Minister of Digital Transformation.

It is assumed that the main tasks of the working group will be:

- coordination of actions of state bodies in terms of reduction and optimization of state business regulation tools;
- improvement of the regulatory framework in terms of converting state regulatory instruments into electronic form.

Modern conditions of conducting economic activity indicate that an enterprise alone can have certain gains in a certain area, however, achieving real success and obtaining profits, which are evidence of successful business conduct, depends on cooperation with other economic entities that carry out related activity in the relevant field. And the entrepreneurs themselves realized that in order to work successfully in the conditions of market competition and to implement significant financial and industrial projects, it is no longer enough for enterprises to function within the framework of separate separate entities, and therefore they seek to unite into groups of enterprises by industry, territorial or another principle.

Such groups of enterprises in the theory of economic law are defined as economic associations, which have a number of significant features and differences from economic partnerships, among which the following should be noted.

First, the association is formed on the basis of certain common economic interests with the aim of combining the production, scientific and technical, commercial activities of the members of the association, centralizing management, coordination functions, etc.

Secondly, the association has property that is legally separated from the property of the members of the association, and this property includes fixed assets and working capital transferred by the members of the association to its balance sheet in accordance with the contract or charter, and property acquired by union as a result of economic activity. The property of the members of the association is not included in the property of the association. Taking this into account, the responsibility of the association and its members as legal subjects is delimited: the association is not responsible for the obligations of its members, and the latter are not responsible for the obligations of the association and each other.

Thirdly, for the purpose of centralized management by the association bodies of the activities of the participants, they delegate certain functions and powers to the association as a subject of law. The composition of the functions centralized by the association is determined by its founders in the contract or statute. These can be industrial and economic, scientific and technical, commercial and other functions.

The fourth feature of an association is a special (complex) legal entity. Its peculiarity is due to the organizational structure of the association. Only enterprises (organizations) – legal entities, each of which, upon joining the association, retains the rights of a legal entity. In this way, the association differs from an enterprise that does not have other legal entities in its composition. That is, enterprises as members of the association remain independent subjects of economic law, at the same time, the association of enterprises is also an independent subject of law. Therefore, from the point of view of legal personality, the association is a set of independent legal entities whose common property rights and interests are realized by the association.

Thus, an economic association is a complex economic organization, which was created on the basis of a combination of material interests of participating enterprises, acts on the basis of a founding agreement or statute as a legal entity.

In the current conditions, the need for the existence of large business organizational structures – associations, concerns, business associations, consortia – is due to the objective reasons for their formation and functioning:

- a) the need to combine all stages of the technical process, which enables the comprehensive use of raw materials and materials;
- b) cooperation of interconnected specialized productions, which makes it possible to manufacture the final product in a complex manner;
- c) ensuring the completeness of the cycle "science – technical developments – investments – production – sales – consumption";
- d) the mass production of products, a stable assortment, which significantly reduces costs per unit of production, makes it cheaper, and makes it available to the population.

The legislation of Ukraine provides for a variety of forms of association by economic entities of their activities. One of the most interesting are economic associations, which provide a combination of economic activities of economic entities with the aim of achieving a single goal – economic associations.

The creation of an economic association provides its participants with strategic advantages over competitors, in particular in the field of technological development, provision of resources, and opportunities to implement the results of scientific research; allows to integrate the life cycle of the product from design development to its customer service, as they can include research organizations, design bureaus, experimental and serial factories, coordinate the activities of all links of the technological chain and attract large financial resources.

Today in Ukraine, economic associations have been created in the most important spheres of state activity: aircraft construction (State Aircraft Construction Concern "Aviatsiya Ukrainy"), peat mining (State Concern "Ukrtoif"), nuclear energy (State Concern "Nuclear Fuel"), alcohol (State concern "Ukrspirt"), broadcasting (Concern of radio broadcasting, radio communication and television) and others.

The procedure for the formation and operation of economic associations is regulated by the provisions of the Economic Code of Ukraine (Chapter 12). In accordance with the current legislation, an economic organization formed by two or more enterprises for the purpose of coordinating their production, scientific and other activities to solve joint economic and social tasks is recognized as an association of enterprises.

Associations of enterprises are formed by enterprises on a voluntary basis or by the decision of bodies that, in accordance with this Code and other laws, have the right to form associations of enterprises. Enterprises formed under the legislation of other states may be included in the association of enterprises, and enterprises of Ukraine may be included in the association of enterprises formed on the territory of other states.

Depending on the order of establishment, associations of enterprises can be formed as economic associations or as state or communal economic associations. At the same time, the Code provides specifics for the formation and activity of state economic associations, which is due to the special status of such associations as subjects exercising powers to manage state-owned objects. The following main forms of enterprise associations are distinguished: associations, corporations, consortia, concerns, while the Economic Code provides for the possibility of forming other forms of enterprise associations provided for by law.

An association is a contractual association created for the purpose of permanent coordination of the economic activities of the united enterprises, through the centralization of one or more production and management functions, the development of specialization and cooperation in production, the organization of joint productions on the basis of the association of financial and material resources of participants to meet mainly the economic needs of association members.

A corporation is recognized as a contractual association created on the basis of a combination of industrial, scientific and commercial interests of the united enterprises, with their delegation of separate powers of centralized regulation of the activities of each of the participants to the corporation's management bodies.

A consortium is a temporary statutory association of enterprises for the achievement by its participants of a certain common economic goal (implementation of targeted programs, scientific and technical, construction projects, etc.). The consortium uses the funds provided by the participants, the centralized resources allocated to finance the relevant program, as well as the funds coming from other sources, in the manner determined by its charter. If the goal of its creation is achieved, the consortium ceases its activity.

A concern is recognized as a statutory association of enterprises, as well as other organizations, based on their financial dependence on one or a group of association participants, with the centralization of the functions of scientific, technical and industrial development, investment, financial, foreign economic and other activities. Participants of the concern grant it part of their powers, including the right to represent their interests in relations with authorities, other enterprises and organizations. Members of a concern cannot simultaneously be members of another concern.

The Code provides that enterprises – participants in the association of enterprises retain the status of a legal entity regardless of the organizational and legal form of the association, and the provisions of this Code and other laws on the regulation of the activities of enterprises apply to them. An enterprise – a member of an economic association has the right to:

- voluntarily withdraw from the association under the conditions and in the order specified by the founding agreement on its formation or the charter of the business association;
- to be a member of other associations of enterprises, unless otherwise established by law, the founding agreement or the charter of the business association;
- to receive information related to the interests of the enterprise from the business association in accordance with the established procedure;
- to receive part of the profit from the activities of the economic association in accordance with its charter. The enterprise may also have other rights provided for by the founding agreement or the charter of the business association in accordance with the law.

Also, the Economic Code has resolved the issue of management of the association of enterprises. Thus, business associations have higher management bodies (general meetings of participants) and form executive bodies provided for by the statute of the business association.

At the same time, the current regulatory framework is insufficient and needs to be improved, taking into account the real needs of development. Today, the only legislative act that contains norms regulating the procedure for the creation and operation of associations of economic entities is the Economic Code of Ukraine. However, the Commercial Code regulates these issues quite schematically, since it is an act that establishes the legal foundations (fundamentals) of economic activity (management) and regulates a wide range of social relations, which makes it impossible to regulate in detail issues related to the activities of economic associations, especially state ones.

This led to the emergence of gaps in the legal regulation of relations in this area, in particular, in matters of formation and termination of associations, formation of management bodies, formation of authorized capital, withdrawal of members from the membership of the association, relations of the association with its members, peculiarities of formation and activities of business associations with the participation of business entities based on state and communal property. The imperfection of the legislation on economic associations, in turn, has a negative impact on subjects of economic activity who need to combine their activities to achieve a certain social or economic goal.

So, in particular, the current legislation provides for the possibility to join an association only for enterprises. However, as practice has shown, it is also necessary for institutions and organizations to be part of an economic association (for example, for the purpose of implementing scientific and innovative inventions, developments, proposals). Also, the given provision of the current legislation limits the possibility of individual entrepreneurs to join business associations, which also limits their potential production opportunities.

Currently, the legislation does not provide for the possibility of forming so-called "mixed" economic associations, that is, those formed with the participation of state economic entities and economic entities of other forms of ownership. However, the need for legislative consolidation of the possibility of their existence is obvious and conditioned. In particular, the unification of state-sector enterprises with non-state economic entities will contribute to the attraction of investments in joint projects, will provide an opportunity to use management methods, knowledge, and skills developed in the private sector of the economy.

Also, in the field of regulation of the order of formation, activity and management of state economic associations, the legislation contains many gaps and contradictions, which make it very difficult to control the effective management and use of state-owned objects. Thus, the powers of state management entities in relation to state economic associations are often duplicated, and the state economic associations themselves are endowed with narrow powers, which generally nullifies the very idea of creating an association of economic entities - directing and coordinating the activities of its members.

Improvement of the regulation that exists today is possible through the adoption of a separate Law on the Association of Business Entities, which will provide an opportunity to regulate in detail the relations related to the activities of state business associations. In a separate law, which will be aimed exclusively at determining the legal status and specifics of the activity of economic associations, maximum attention can be paid to the regulation of all aspects of the functioning of these entities.

The relevant project has already been prepared and submitted by the Cabinet of Ministers of Ukraine as a legislative initiative to the Verkhovna Rada of Ukraine – the draft Law of Ukraine "On Business Associations" (registration No. 5045 dated August 6, 2009).

- The draft Law of Ukraine "On Business Associations" provides for:
- define the concept of economic association and their types;

- regulate the procedure for the formation of an economic association;
- to establish the rights and obligations of the participants of the economic association;
- determine the management bodies of the economic association, their powers, the order of formation and decision-making;
- to establish the legal regime of the property of the economic association;
- determine the conditions and grounds for the participant's exit from the business association;
- regulate the procedure for termination of the business association;
- to establish the specifics of formation, activity, termination and management of a state economic association.

The draft Law contains different approaches to regulating the activities of state and communal economic associations and economic associations created by economic entities based on private property. In addition, the project envisages the possibility of forming so-called "mixed" economic associations, that is, those formed with the participation of state economic entities and economic entities of other forms of ownership.

The draft law envisages changing the existing status of such structures from associations of enterprises, which can include only legal entities carrying out production activities, to an economic association, which can unite economic entities of any organizational and legal form. In particular, this will provide an opportunity to involve scientific institutions in order to implement the latest developments and achievements of scientific thought and implement innovative projects.

The project envisages clearly defining the management bodies that can be formed by the business association, their powers and the procedure for their decision-making. Thanks to the proposed provisions, the gaps in the regulation of the activities of the management bodies of the economic association will be eliminated. Particular attention in the project is given to determining the legal status of the state economic association. This is due to the fact that today such associations are created mainly in sectors strategically important for the economy and the state as a whole and require detailed and clear regulation of the powers of the authorities that exercise control over their activities on behalf of the owner-state, while simultaneously ensuring the freedom of economic activities of state enterprises, institutions and organizations that will be part of them.

The project envisages changing the legal status and scope of powers of the state economic association as a subject of management of state-owned objects, which are defined by the Law of Ukraine "On the Management of State-owned Objects". This is due to the fact that today state business associations have very limited powers in relation to the enterprises that are part of them, which complicates (makes impossible) the process of their effective management of state-owned objects, as well as the fulfillment of the goal their formation (coordination of economic activity of participants).

In addition, the current legislation provides that enterprises that are part of a state economic association are under the management of this economic structure and at the same time remain in the sphere of management of the authorized management body (ministry). At the same time, the legislation does not clearly outline the powers and the sphere of influence on the participants of the body exercising control over the activities of the state economic association, which leads to the emergence of double management, duplication of powers and significantly complicates the exercise of control over the effective management and use of state property by the participants of the state economic association association.

Also, in order to strengthen control over the state economic association, the project clearly defines that the most important and essential powers in relation to it are exercised by the Cabinet of Ministers of Ukraine (establishment and termination of the state economic association; approval and amendments to its charter; appointment and dismissal of the head; inclusion and withdrawal of a participant from a state economic association).

Considering that the project makes significant changes to the legal status of the economic association and to the regulation of relations related to the management of state economic associations, the project also envisages recognizing Chapter 12 of the Economic Code of Ukraine as having lost its validity and amending the article 168 of the Economic Code of Ukraine, the Law of Ukraine "On Management of State Property Objects" [5].

**Conclusions.** Thus, we hope that the adoption of the aforementioned Law will result not only in the improvement of the legislation, but also in the improvement of the efficiency of business associations. Being constantly dependent on the efficiency of enterprises, the state, in turn, affects the economic processes taking place on them by adopting laws that activate or slow

down investment activity by applying mechanisms and means of management and regulation and stimulation.

*Conflict of Interest and other Ethics Statements*

The authors declare no conflict of interest.

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**ABSTRACT**

In the context of the dynamic development of economic relations, a number of issues arise that cannot be considered and resolved within the framework of the opposition of individual legal schools – businessmen on the one hand, civilists and administrativeists – on the other.

It's time to realize that no branch of legislation (law) can be a monopoly in regulating social relations in a certain area. An example of this is land, water, environmental, family and other areas of legislation that regulate personal non-property and property relations, which have certain features that determine their independent nature and difference from civil relations.

The final task is not to finally abolish the Economic Code of Ukraine or to achieve a gradual emasculation of the essence of economic law. Today, at the legislative level, with the participation of scientists and with the help of national legal doctrine, it is necessary to ensure, first of all, high quality regulation of relations that form the basis of the country's development, including in the field of economy, business environment. Otherwise, science is faced with the problem of denying the natural state of development of things, which has been ordered since the time of the appearance of law as such. It is difficult to deny the well-known truth – the law is a regulator of social relations, therefore, it is in its nature determined by the needs of man, society, and changes according to the needs of humanity. This indicates the objective conditionality of proper legal regulation in one or another sphere, including in the sphere of economy, making it dependent on the environment.

**Keywords:** *legal regulation, economic activity, current problems of legal regulation, prospects for reforming economic activity, classification of current problems, legal support of state regulation.*