

Compulsory Seizure of a Vehicle: Jurisdictional Issue

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Abstract

The article examines the specifics of the compulsory seizure of property, namely vehicles. The relevance of the study is driven by the need to define clear procedural boundaries for restricting citizens' rights under martial law in Ukraine, as well as to ensure a well-balanced correlation between public and private interests on these issues. The purpose of the work is to analyze questions of jurisdiction over disputes concerning the compulsory seizure of vehicles. The research employs various scientific methods, including induction and deduction, the systemic method, the comparative-legal method, and the case study method. These relations are analyzed in light of the current complex conditions of martial law. In such circumstances, the compulsory seizure of property requires a well-ordered procedure for the actions of public authorities and their coordination with the powers of local self-government bodies. The regime of compulsory seizure under these conditions embodies several fundamental features. First, the coordination of powers between local self-government bodies and military units that directly carry out such a seizure. Second, the clear documentary formalization of all elements that must be recorded in the relevant act. Third, the consideration of territorial factors (whether the area is an active combat zone or not) where the seizure takes place. Fourth, the proper determination of the circle of subjects, particularly in cases where the owner of the vehicle delegates representative functions concerning the purchase and delivery of the vehicle to a freight forwarder

who performs corresponding agency functions. The subject of such a dispute involves challenging acts related to the compulsory alienation of the plaintiffs' immovable property. The dispute between the parties concerns the property rights of the plaintiffs, despite arising within the sphere of public interest. Moreover, declaring unlawful the decisions, actions, or omissions of a state authority, an authority of the Autonomous Republic of Crimea, or a local self-government body, as well as their officials, may serve as a means of protecting civil rights and interests and may be adjudicated within the framework of civil proceedings.

Keywords: *jurisdiction of administrative courts; compulsory seizure of a vehicle; dynamics of a legal relationship; representation in public law; subject of authority powers.*

Примусове вилучення транспортного засобу: проблема юрисдикцій

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Анотація

У статті розглянуто особливості примусового вилучення майна, а саме транспортних засобів. Актуальність дослідження зумовлюється необхідністю визначення чітких процедурних рамок обмеження прав громадян в умовах воєнного стану в Україні та вивіреного балансу публічного та приватного інтересу з відповідних питань. Мета роботи полягає в аналізі питань юрисдикційної належності спорів щодо примусового вилучення транспортних засобів. В основу проведеного дослідження покладено такі методи наукового дослідження, як індукція та дедукція, системний метод, порівняльно-правовий метод та метод «кейс стаді». Ці відносини аналізуються з урахуванням сьогоденних складних умов воєнного стану. Приму-

сове вилучення майна в таких умовах передбачає чітке впорядкування дій суб'єкта владних повноважень та їх узгодження з реалізацією повноважень органів місцевого самоврядування. Режим примусового вилучення в таких умовах уособлює декілька принципових особливостей. По-перше, узгодження повноважень органів місцевого самоврядування та військових частин, які безпосередньо здійснюють таке вилучення. По-друге, чітке документальне оформлення всього, що має бути закріплено у відповідному акті. По-третє, врахування територіальності (зона активних бойових дій або ні), де здійснюється таке вилучення. По-четверте, принципове з'ясування кола суб'єктів, особливо у випадку коли власник транспортного засобу передає представницькі функції щодо придбання та доставки такого транспортного засобу експедиторам, які виконують відповідні агентські функції. Предметом подібного спору є оскарження актів щодо примусового відчуження нерухомого майна позивачів. Спір, що виник між сторонами, стосується майнових прав позивачів, незважаючи на те, що виник у площині публічного інтересу. Більш того, визнання незаконними рішень, дії чи бездіяльність органу державної влади, органу влади Автономної Республіки Крим або органу місцевого самоврядування, їхніх посадових і службових осіб може бути способом захисту цивільних прав та інтересів і здійснюватися в режимі цивільного судочинства.

Ключові слова: юрисдикція адміністративних судів; примусове вилучення транспортного засобу; динаміка правовідношення; представництво в публічному праві; суб'єкт владних повноважень.

Introduction

The analysis of property relations and the transfer of assets from one owner to another can hardly be unequivocally classified as falling under public-law regulation. Generally, these are traditional private-law relationships, and the resolution of disputes arising under such conditions falls within the jurisdiction of civil courts.

At the same time, the expansion of the range of subjects and the participation of a public authority introduce a certain inconsistency in approaches and regimes for dispute resolution. The general view that if a party to a dispute is a public authority, the dispute must be considered by administrative courts is not always accurate or absolute [1, pp. 87-93]. Indeed, the participation of a public authority, acting as a representative of the state, prescribes a certain protective procedure against potential arbitrariness by that authority – a procedure that can be guaranteed by the principles of administrative justice. Nevertheless, this conclusion may be superficial. In such cases, it is essential to consider not only the parties involved but also the character and purpose of the legal relationship. Considering this combination of factors makes the task of identifying the jurisdictional basis for resolving such disputes especially relevant.

Issues related to the confiscation of citizens' property by the state are complex under German administrative law and require a differentiated approach. On the one hand, it is necessary to determine whether the object (a vehicle) should be temporarily removed from the owner's possession or permanently expropriated. On the other hand, the possibilities for legal protection available to the citizen must be considered. There are different options here. First and foremost, does the citizen contest the confiscation itself and demand the return of the item (provided it is still in possession of the authorities)? Does the citizen seek compensation from the authorities due to the permanent loss of the item? Or is the citizen attempting to reclaim the item from a third party who purchased it from a state authority or otherwise came into possession of it? Accordingly, the issue of vehicle confiscation does not fall within a single, clear-cut dimension; rather, it has several facets that depend on the specific factual circumstances.

The basis of the present study comprises the national legislation of Ukraine and Germany, as well as relevant case law.

Under martial law, this issue has become exceptionally relevant. The topic has been studied by Ye. Pylypenko and Yu. Atamanenko [2], D. Pryimachenko [3], R. Opatskyi [4], M. Verbitska [5], among others. The primary issue with current research in this area is its superficiality and the lack of a systematic examination of the jurisdictional aspect. If the issue is considered solely in terms of regulatory provisions, the results of such research will be largely descriptive rather than systematically analytical.

This scholarly article is intended to address these research gaps and introduce a comparative element.

At the same time, a crucial and fundamental aspect of this study is that, from the German perspective, the issue is examined independently of the legal framework associated with martial law, whereas the Ukrainian perspective is both formally and practically linked to the conditions of martial law.

Materials and Methods

In preparing this scholarly article, a wide range of both general and specialized research methods was employed.

Insufficient attention is often paid to the methodology of scientific inquiry when conducting research. In practice, this means that a scientific study is first carried out, and only afterwards, post factum, do researchers outline the set of scientific methods that were applied. However, this is neither a sound nor a consistent approach. The methodology of scientific cognition is not merely a collection of tools that a researcher may choose to apply;

rather, it is, so to speak, a coherent system of coordinates along which the research must proceed in order to ensure genuine, rather than illusory, achievement of its objectives.

Accordingly, the scientific methods were selected to complement one another and ensure a balance between the need for generalizations and the requirement for subject-specific precision when examining particular aspects. The balance between general scientific methods of cognition and specialized scientific methods is crucial in the research process. Their strict structural separation is not advisable, since special methods are, by and large, derived from general scientific methods. At the same time, the description of the methodology applied should always begin in a top-down manner: from general to specific methods.

We first propose to examine the general methods of scientific inquiry used in the course of this study. By applying the logical method, the principal terms and concepts that define the substance of the research were analysed. The systemic method was utilized in forming the system of immanent features of property seizure under martial law and in deriving specific legal constructs. Logical methods such as induction (from the particular to the general) and deduction (from the general to the particular) made it possible to generalize the characteristics of property-seizure procedures and thereby construct an overall model of such procedures under martial law (induction), as well as to determine the features of specific mechanisms of property seizure based on general theoretical conceptions of compulsory property taking (deduction).

We now proceed to describe the specialized legal research methods utilized in this study. The comparative-legal method enabled the juxtaposition of foreign approaches, specifically the German approach to property seizure, with national regulatory approaches to the relevant legal phenomenon. The historical-legal method facilitated the examination of the historical background and prerequisites for the emergence of the phenomenon under investigation, as well as the tracing of the genesis of judicial doctrines concerning disputes between private and public actors regarding the compulsory seizure of motor vehicles. Through the formal-legal method, the provisions of current legislation were analysed, and approaches to the consistent application and interpretation of the relevant legal norms were identified. This method was applied directly in interpreting and analysing the normative provisions governing procedures for the seizure of private property under martial law. In identifying the relevant judicial doctrines and early case law concerning the first disputes over the compulsory seizure of vehicles, the study utilized the modern research method of case study.

The proper and consistent application of various methods of scientific inquiry made it possible to achieve all the study's objectives and enabled an examination of both the substantive and procedural dimensions of the issue under analysis. In turn, the combination of classical scientific inquiry methods with modern methodological approaches ensured the accuracy and reliability of the research findings.

Results and Discussion

Legal Nature of Conflict Relations Arising from Compulsory Seizure of Vehicles During Martial Law

A certain form of conflict relationship has arisen with the onset of Russia's military aggression, particularly regarding the compulsory seizure of property, including vehicles, in its specific form. Cities located at customs border crossings of Ukraine are no exception to the application of such measures. Naturally, in these cases, an Act of Compulsory Alienation or Seizure of Property is drawn up.

The problematic nature of these relationships is further compounded by the fact that, frequently, the person who brings in the vehicle is acting under a Transport Forwarding Services Agreement exclusively as a forwarder. In this context, we are effectively dealing with the implementation of certain agent or representative functions. Representation relationships are inherent in both public-law [6, pp. 188-197] and private-law regulation. The representative's role in protecting the owner's interests enables them to act on the owner's behalf and at the owner's expense.

Of course, ownership of the vehicle is not transferred to this person. At the same time, the vehicle's owner is the person who purchased it at an auction organized by a foreign company outside of Ukraine, and who transferred funds to the company acting as the seller of the lot and, at the same time, as the sender and carrier of the vehicle to its destination. Such relationships are documented by a freight invoice (commercial invoice), which is provided by the seller to the buyer and serves as a primary accounting document and confirmation of the customs value of the goods.

If there are no special legal provisions, the analogous application of civil law norms governing safekeeping agreements (§§ 688 German Civil Code) applies when addressing such disputes in Germany [7].

In brief, whether and under what conditions an item may be confiscated by the authorities or otherwise taken into safekeeping is determined exclusively by public law. In Germany, if a citizen directly contests the confiscation, it is, as a rule, a public-law dispute, which fundamentally establishes the jurisdiction of administrative courts in cases of legal

dispute. However, civil law norms apply to the manner in which the item is kept and the corresponding duty of care. Although these relationships are also influenced by public law, in Germany, civil courts have jurisdiction over damage claims, for example, if the item was damaged or lost while in the possession of the authorities, or if it was actually sold to a third party [8; 9].

However, without a special legislative provision allocating jurisdiction to the civil courts, administrative courts would undoubtedly have competence over damage disputes, because this would be a public-law dispute. From a legal policy perspective, transfer to administrative courts appears more appropriate for fundamental reasons (the greater relevancy of their jurisdiction, greater procedural convenience for citizens in light of different procedural regimes, particularly the application of the principle of inquiry in administrative procedure).

Ukrainian Regulatory Framework and Procedural Models of Compulsory Expropriation

Let us return to the Ukrainian perspective. In accordance with Para 8 of Part 1 of Art. 8 of the Law of Ukraine «On the Legal Regime of Martial Law», the military command, within its powers, issues orders and directives that are mandatory for execution on matters of ensuring defense, public safety, and order, and implementing measures under the legal regime of martial law.

In Ukraine or in certain localities where martial law has been declared, the military command, together with military administrations (if established), may, independently or in conjunction with executive authorities and local self-government bodies, implement compulsory expropriation of property that is in private or communal ownership [10].

The act of compulsory expropriation or seizure of property in such cases must contain information about the person who carried out the appraisal of the property (the state body, local government, surname, first name, and patronymic of the person acting on behalf of the legal entity), the name of the document that contains the conclusion on the value of the property, and the date of the appraisal.

A key consideration in this context is the event's territorial location. This results in a differentiation between such actions taken in a territory where combat operations are ongoing and a territory that is not classified as a zone of active hostilities. It is essential to consider, in such circumstances, whether combat operations are underway in a particular area, which grants the right to expropriate or seize property without approval from the relevant authorities. By Order of the Ministry for Reintegration of the Temporarily

Occupied Territories of Ukraine No. 75 dated 25 April 2022, a List of Territorial Communities located in the area of ongoing military (combat) operations or that are temporarily occupied, surrounded, or blockaded was approved. The subordinate legal act that specifies the list of such territories is the Regulations on the Information System of the List of Territories Where Combat Operations Are (or Have Been) Conducted, or That Are Temporarily Occupied by the Russian Federation [11].

Overall, at present, three possible procedures for the requisition of motor vehicles for defense needs can be distinguished in Ukraine:

- (a) Requisition of a vehicle within the framework of fulfilling military-transport obligations (without transfer of ownership);
- (b) alienation with the transfer of ownership of such property;
- (c) confiscation of a vehicle due to driving under the influence of alcohol, with subsequent transfer of the vehicle for defense needs (the most controversial method).

Regarding the criterion of compensation, the following options for the alienation of vehicles with the transfer of ownership can be distinguished:

- (a) with prior full compensation of its value;
- (b) compensation of the vehicle's value after the end of the legal regime of martial law;
- (c) complete gratuitous requisition of the vehicle.

In the realm of public-law procedures, it is crucial to strike a balance between public and private interests [12, p. 126]. By representing the interests of society in various spheres of life, the state shapes corresponding policies – economic, social, and legal. One of the instruments of interaction between the object and the subject in achieving the goals of state regulation is the combination of socio-economic processes [13, p. 167] with well-calibrated normative regulation. Procedures for the seizure of property, especially under martial law, require such a balance and careful adjustment.

Legal Facts, Ownership Protection, and Grounds for Contesting Acts of Expropriation

Regarding the forced expropriation of property in German administrative and legal regulation, norms governing the confiscation procedure apply. At the same time, confiscation is usually regulated by special legislation. A common case is the seizure of physical evidence in criminal proceedings or the confiscation of items by tax authorities. Similar to the confiscation of objects by authorities, such as household items located in a building at risk of collapse and damaged by bombing during the war, this establishes

a legitimate relationship of safekeeping under public law. Since the authorities take possession of someone else's property when they confiscate it and secure it, thereby removing the authorized person from control over it to perform a public task, a public-law relationship of custody arises automatically, that is, without the need for a contract.

The basis that gives rise to a dispute, the legal fact that initiates, modifies, or terminates such legal relationships, is also significant for the resolution of such disputes. In this case, it involves a combination of certain circumstances or events that require an appropriate legal response. The complexity of legal facts, as well as their factual composition, reflects a combination of two manifestations of will and interest [6, p. 453]. On the one hand, it is the will of the state that specifies a particular legal fact as the basis for the dynamics of legal relationships. On the other hand, it is the will of the participants in legal relationships that must organize their activity and conduct in conformity with the prescriptions defined in a particular legal provision.

The existence of a set of legal facts in the form of a complex factual composition is determined by the nature of the relations regulated on the basis of such facts. It is precisely the combination of these facts, understood as a coherent system of elements that generate the dynamics of the legal relationship, that is associated with a complex factual composition. Such compositions may encompass both actions and events that relate not only to different sectoral legal institutions but also to different branches of law. It is therefore essential to distinguish between a factual composition, which is a set of independent life circumstances, and a complex legal fact. In the first case, the reference is to a set of independent, self-contained legal facts, whereas the integrity of a complex legal fact derives solely from the combination of its elements, none of which have legal relevance or produce legal consequences on their own.

Thus, the factual composition forming the basis for the emergence of the legal relationship concerning the compulsory seizure of a vehicle must combine at least several circumstances:

- (a) the existence of the vehicle;
- (b) it's proper valuation;
- (c) approval by the executive body of the relevant local council.

Failure to comply with the procedure for compulsory seizure of a vehicle, or incorrect identification of the vehicle owner, provides grounds for the claimant to file a lawsuit seeking recognition of the relevant order and its annulment as unlawful. Typically, the claim seeks to invalidate acts concerning the compulsory alienation of property.

Another example of compulsory alienation under German law is the temporary confiscation of a vehicle, or even an obligation imposed on the driver to provide his or her vehicle in emergency situations - for instance, for transport services - if the state lacks a sufficient number of available vehicles (the so-called towing or requisitioned transport services). If a public authority sells the item to a third party, the third party will generally have effectively acquired ownership of it. Therefore, a civil-law claim for restitution is likely to be excluded in relations between private individuals. A different outcome would appear possible only if the confiscation was manifestly arbitrary or grossly unlawful. This, however, is a question specific to the individual case and cannot be answered in general terms.

A statement of claim may be filed for the purpose of protecting the claimant's right of ownership to the property and seeking the return of the vehicle. The right of ownership is an individual's right to a thing (property), exercised in accordance with the law at their own discretion and independently of the will of others. Under conditions of martial law or a state of emergency, property may be compulsorily alienated from its owner with subsequent full compensation of its value.

At the same time, it is necessary to distinguish between:

- (a) The purpose for which the claimant insists on the return of the vehicle, and
- (b) The purpose for which the claimant seeks to protect the violated right through the correction of information contained in the Act on compulsory alienation or seizure of property.

This distinction arises from the fact that, in practice, such acts often list as the «owner» a person who provides forwarding (or other) services relating to the delivery of the vehicle to the actual owner. This results in a violation of the rights of the person who provided the funds for the property purchase and subsequently prevents that person from obtaining reimbursement for the incurred expenses. The reason is that the right to compensation for the value of the property belongs solely to the owner indicated in the Act of compulsory alienation or seizure.

Claimants perceive the violation of their rights in the consequences arising from the decision, action, or omission of a public authority, specifically in the infringement of their right to compensation for the value of the property, since the documents contain information identifying an incorrect owner (a freight forwarder, etc.) instead of the proper owner - the actual purchaser of the vehicle. Such actions are not only unlawful but also have produced legal consequences related to the emergence, alteration, or termination of civil legal relations. These relations are exclusively proprietary in nature

or are connected to the realization of an individual's proprietary interests. Accordingly, the recognition of such decisions as unlawful constitutes a means of protecting civil rights and interests.

For Ukraine, as a country fighting against the armed aggression of the Russian Federation, the effectiveness of mechanisms for protecting the rights and interests of citizens is of particular importance. In this context, it is not only the existence of such mechanisms that matters, but also ensuring their effectiveness [14].

Jurisdictional Determination and Judicial Practice

A fundamentally important aspect in this situation is the clear determination of the subject-matter jurisdiction for disputes of this type, which concern the property rights of the claimant and are of a private-law nature. It is difficult to classify the resolution of such a dispute under administrative jurisdiction. A dispute between a public authority and an individual, in which the actions of the public authority pertain to the emergence, modification, or termination of the individual's civil rights, is not a public-law dispute. Although a public-law entity is involved in the dispute, the dispute exhibits all the characteristics of a civil-law matter. The contested legal relations between the parties arose as a result of a decision to forcibly alienate property, which may necessitate the protection of the claimant's civil rights. Considering that the dispute is effectively connected with the exercise of the claimant's civil rights, the competent court to resolve the dispute is a court of civil jurisdiction.

It can be concluded, based on the principles of administrative court jurisdiction concerning cases in public-law disputes – specifically, disputes between individuals or legal entities and public authorities, challenging their decisions, actions, or omissions – that such a dispute should be examined under administrative proceedings. However, a public-law dispute subject to administrative court jurisdiction is a dispute between participants in public-law relations and relates directly to those relations. The mere presence of a public authority as one of the parties does not automatically classify the case as a dispute of this nature. Considering the purpose of resolving the dispute – namely, the violation of a private right of a specific party that requires protection under private law – allows one to conclude that the dispute is of a private-law nature.

The deliberate and continuous expropriation of property and its transfer to a third party (the state or a private individual), that is, the seizure of all lawful property by the state (total expropriation), constitutes a classical form of expropriation. If this is carried out not directly by law (legislative expropriation), but by a public authority acting within the scope of the

law, it is referred to as administrative expropriation. The Constitution itself clearly regulates that expropriation entails an obligation to pay compensation. Typically, the responsibility for compensation lies with the direct beneficiary of the expropriation: either the sovereign undertaking the intervention or a private individual in whose favor the expropriation was carried out. Given the amount of compensation, which must be determined through a fair balancing of the interests of the general public and the affected parties, legal recourse to civil courts is available. This also constitutes a special provision regarding judicial access, which is directly enshrined in the Constitution, because, as explained above, this is a public-law dispute for which, without this special regulation (so-called special allocation or displacement), the administrative courts would have jurisdiction. Previous attempts to reform the system to transfer disputes arising from public-law guardianship relations and expropriation compensation to administrative courts, rather than civil courts, have so far been unsuccessful.

A dispute has a private-law character if it is related to the violation or potential violation of the private right or interest of an individual. The protection of such rights and interests must be carried out in accordance with the procedures established by the applicable legislation governing private-law relations. In this situation, it is not necessary to assume that the violation of a private right or interest was caused by the administrative actions of public authorities. A certain analogy may be drawn from the positions of the Grand Chamber of the Supreme Court [15], which has repeatedly emphasized that a dispute should be considered under civil or commercial procedure (depending on the composition of the parties) if, as a result of a decision, a person acquires or loses a property right to an immovable object.

For this reason, courts logically conclude that the legal relations between the claimant and the defendant do not pertain to the protection of the claimant's rights, freedoms, and interests within the sphere of public-law relations, but are aimed at protecting their property rights. Therefore, such a dispute does not fall within the jurisdiction of administrative courts and should be resolved under civil procedure. The subject matter of the dispute is the challenge of acts concerning the forced alienation of the claimants' real estate. Consequently, the dispute between the parties concerns the property rights of the claimants, despite arising in the context of public interest. Moreover, recognizing as unlawful the decisions, actions, or inactions of a state authority, the Autonomous Republic of Crimea, or local government bodies, as well as their officials, may serve as a means of protecting civil rights and interests.

The quintessence of the courts' legal position regarding the characterization of disputes concerning the compulsory seizure of property was formulated in the Resolution of the Supreme Court, composed of judges of the United Chamber of the Cassation Commercial Court, dated 16 February 2024 (case No. 910/10009/22):

«Thus, regardless of the composition of the parties to this dispute, in view of the subject matter of the dispute – the Order and Act concerning the compulsory alienation/seizure of the Claimant's vehicles – as well as the grounds for its occurrence, the dispute between the parties in this case concerns the property rights of the Claimant (their protection and restoration) and has a private-law nature» [16].

We consider that the classical judicial procedure for resolving this category of disputes remains the most optimal. Undoubtedly, alternative methods for resolving public-law disputes are emerging, particularly in the form of mediation procedures. Mediation is generally defined as a negotiation process conducted with the participation of a mediator, aimed at resolving a dispute (or disputes) between the parties by reaching a mutually acceptable solution. The parties themselves determine the method of resolving the conflict, while the mediator's role is to organize the negotiation process [17, p. 80]. However, for disputes related to the requisition of vehicles under martial law conditions, mediation procedures are unlikely to be effective due to the nature of the subject matter and the absolute nature of the parties' interests in this category of cases.

Overall, the issue of vehicle seizure under conditions of martial law is associated with a heightened degree of conflict within these legal relationships. This is understandable, as it involves restricting an individual's property rights, while questions of compensation often have a deferred character. In public-law relations, the duty-bearing subject is increasingly viewed as a person entitled to receive certain benefits from the performance of their obligations [18, p. 2]. It is also undeniable that in more developed countries the level of evasion of public obligations is lower compared to less developed countries [19, p. 9]. This is primarily related to the degree of stability that developed countries are able to provide, as well as the consistent fulfillment of citizens' expectations. However, this does not negate the fact that public procedures must be implemented effectively in all countries, regardless of their level of economic development.

Conclusions

Thus, the issue under study has a complex nature and fundamental importance for ensuring the consistent achievement of defense objectives. The authors have drawn the following conclusions:

1. The compulsory seizure or expropriation of property, particularly vehicles, has become a significant legal issue in Ukraine following Russia's military aggression. Such measures are applied in areas under martial law.
2. Complex ownership and representation relationships arise when vehicles are imported by individuals acting under forwarding agreements. Although these persons perform representative functions, ownership remains with the actual purchaser, underscoring the importance of accurately identifying the rightful owner in legal documents.
3. In Ukraine, three main procedures for vehicle requisition exist: (a) requisition without transfer of ownership for military-transport obligations, (b) alienation with ownership transfer, and (c) confiscation due to driving under the influence.
4. Compensation mechanisms are a key factor in maintaining fairness, ranging from full prior compensation to deferred or gratuitous requisition, depending on the legal regime and nature of the expropriation.
5. Legal disputes arising from such seizures are primarily private-law in nature because they involve the violation of individual property rights and the right to compensation. The mere participation of a public authority does not transform these disputes into matters of public law. The objective is the protection and restoration of property rights rather than public-law enforcement.
6. Effective mechanisms for protecting property rights under martial law are not only a legal requirement but a key factor in maintaining public trust, ensuring fairness, and balancing state authority with individual rights during armed conflict.

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