

UDC 346.7:368.21

DOI <https://doi.org/10.32849/2663-5313/2023.4.01>**Denys Svitlychnyi,***Postgraduate Student, State Organization "V. Mamutov Institute of Economic and Legal Research of the National Academy of Sciences of Ukraine", 60, Taras Shevchenko street, Kyiv, Ukraine, postal code 01032 denissv23@gmail.com***ORCID:** [orcid.org/0009-0001-5547-1294](https://orcid.org/0009-0001-5547-1294)Svitlychnyi, Denys (2023). Historical development of insurance legal relations in the transport sector. *Entrepreneurship, Economy and Law*, 4, 5–14, doi <https://doi.org/10.32849/2663-5313/2023.4.01>

## HISTORICAL DEVELOPMENT OF INSURANCE LEGAL RELATIONS IN THE TRANSPORT SECTOR

**Abstract. Purpose.** The purpose of the paper is to identify and briefly describe the historical legal periods of development of legal relations on insurance in the transport sector of Ukraine, which will later allow for the determination of the area of development and adoption of relevant legislation in the modern period. **Research methods.** The purpose was achieved by using a set of traditional methods of scientific knowledge known to humankind, which are based on the principles of materialistic dialectics. During the preparation of the present paper, historical legal and comparative legal methods were widely used, which made possible to identify and characterize the features of individual historical legal periods in the development of insurance legal relations in the transport sector of Ukraine; to compare legal relations and legal rules of different times in different geographical regions of Ukraine. Applying the axiomatic method contributed to identifying and describing individual insurance legal relations in the transport sector within the principles and functions of various branches of law. The system structural method was applied to clarify the relationship between different participants in insurance legal relations in the field of transport in different periods and systematize historical legal periods of development of insurance legal relations in the transport sector of Ukraine already in the process of preparing this paper. As a result, the article was categorized following the names of the identified periods. **Results.** Among the historical legal periods of development of legislation on insurance activities in the transport sector, the following can be distinguished:

- I. The Greco-Roman period.
- II. Medieval period.
- III. The period of development of the world economy and the role of transport.
- IV. The period at the turn of the 19th and 20th centuries.
- V. Soviet period.
- VI. The period when the formation of the insurance market in the transport sector took place in the 1990s until 2014, as well as the formation and permanent updating of legislation.
- VII. Modern (military) period (from 2014 to the present), during which subjects of insurance activities in the field of transport operate in unfavorable conditions, face force majeure circumstances, legislation is formed given wartime requirements, the use of digital technologies is spreading, the beginning of legal regulation of insurance relations in transport in outer space.

**Conclusions.** The research conducted and the generated periodization of the development of the principles of legal support for insurance processes in the transport field indicate a constant complication of legislative rules and a gradual strengthening of public interests in these processes. The formation of an insurance company, the initiative (usually on the part of the transport company or the owner (recipient) of the cargo) to conclude an insurance contract, was caused by the need to realize private interests. The most challenging period for the adequate functioning of insurers and transport companies is the modern (military) period. However, even here, due to the increasing importance of the role of transport (especially sea, rail and road transport), the insurance market is developing.

**Key words:** insurance, transport, business entity, transportation, legal custom, transport legislation, insurance relations, historical legal periods, cargo, property, life and health, passenger, ship, seaport, railway, airport.

### 1. Introduction

The development of civilization directly depends on the economy's development. It

is dialectically dependent on the progress of the transport sector. The economy requires regular transportation of raw materials, goods,

fuel, and labor over long distances. Therefore, according to the law of the supply and demand ratio, its development leads to the development of the transport sector. Conversely, the construction of capital concrete and railway roads, railway stations, sea and river ports, and airports encourages the construction and development of cities and other localities and the construction of new industrial facilities. In turn, transporting expensive cargo or high-ranking passengers should be safe. In ancient times, this was provided by organizing numerous armed protection of vehicles and patrolling transportation routes. In times of developed civilizations, insurers protect the interests of vehicle and cargo owners and passengers' lives and health.

Among the oldest types of transport were horse-drawn and water transport, which were divided into sea and river transport. It is no coincidence that all major ancient civilizations were formed around powerful river arteries, in which rivers, among other vital functions, served as communication routes. In the ancient Ukrainian lands, for a long time, the primary means of transportation was horse-drawn transport. Depending on the size of the cart and types of equipment, the vehicles were named as follows: brychka (in the steppes), mazhara (in the southern Ukrainian lands), fira (in the western Ukrainian lands), beztarka (for grain transportation), various kinds of sleigh (for winter transportation) (Klepikova, 2019, p. 11). The vast majority of modern most prosperous states received primary capital through the use of sea routes. Even in ancient times, trade and communication between nations occurred along rivers or the sea coast. Sea trade routes were equipped with ports and lighthouses, and the provision of services by professional pilots who knew the local fairway, currents, and climate features began to take shape. Large cities and entire states were built along the great river routes of Europe. Kyiv itself was founded long before the officially recognized date of 482. The city grew, became famous, and allowed to unite different tribes into a single state at a time when it was in the middle of a well-known path from the countries of the Scandinavian Peninsula to Greece—the path “from the Varangians to the Greeks.” On land, transportation was associated with the mechanical labor of domestic draft animals – horses, elephants, oxen, camels, donkeys, and the mechanical labor of people – enslaved people or servants. Native American civilizations did not know the wheel. However, the American continent has paved roads seven meters wide. The latest development of human civilization should be due to attempts to find new ways to get to India and the almost accidental discovery of America.

Along with the development of relations in the transport sector, humanity has come to the idea of introducing insurance for its activities in case of various unfavorable natural and climatic circumstances and the negative impact of other people and peoples. Everyone knows the biblical example of King David's insurance against drought by creating a strategic grain reserve. A little later, in the ancient countries that carried out sea and land transportation, in particular in Egypt, Ancient Rome, the states of Greece and others, funds began to be created in case of loss of a sea or river vessel, cargo, crew, passengers, etc. The person who kept the money and issued compensation to victims was the prototype of a modern insurer.

Thus, with the development of civilization, transport legislation was formed, as well as legislation on the insurance of various risks, relations, and property – the life and health of draft animals, cargo and baggage, vehicles, the life and health of people, etc. The genesis of such legislation and relations in interrelation and development requires research.

*Literature review.* Various relations in the transport sector have been the subject of research by many Ukrainian scientists. The following researchers are among them: Klepikova (Klepikova, 2019; Klepikova, 2011), Khovavko (Khovavko, 2012), Obikhod and Bilenchuk (Obikhod and Bilenchuk, 2023), and others. The following Ukrainian scientists are among the researchers of insurance relations: Adamov (Adamov, 2008; Adamov, 2009), Nechyporenko (Nechyporenko, 2021), Popova (Popova, 2022), Sobol (Sobol, 2010), Uralova (Uralova, 2018), Zavoloka (Zavoloka et al., 2020), and others. In the works of some scientists, studies of relations in the field of transport with insurance relations were combined. These are the works of such scientists as Brunko (Brunko, 2012), Derevianko and Rodina (Derevianko and Rodina, 2010), and others. However, these studies are insufficient to form a holistic view of the progressive dialectical development of insurance relations in the transport field.

It should be noted that an attempt to identify periods or stages of development of legislation in the field of transport insurance in Ukraine was made earlier by Brunko, whose study identified seven relevant stages (Brunko, 2012), which should be clarified, developed, and supplemented taking into account today's realities. The periodization of the formation and development of the legal basis of intermediary activity in the insurance sector during Ukraine's independence, with the allocation of three main stages: the first – from 1991 to 2004; the second – from 2005 to 2013; the third – from 2014 to the present, which are characterized by cer-

tain features of economic and legal regulation of this activity, was carried out by Uralova (Uralova, 2018, p. 8). However, such conclusions only touch on the relationships under study. Therefore, it will be important to identify the main historical legal periods of the processes under study based on the article.

*Purpose.* To identify and briefly describe the historical legal periods of development of legal relations on insurance in the transport sector of Ukraine, which will later allow for the determination of the area of development and adoption of relevant legislation in the modern period.

*Research methods.* The purpose was achieved by using a set of traditional methods of scientific knowledge known to humankind, which are based on the principles of materialistic dialectics. During the preparation of this paper, historical legal and comparative legal methods were widely used, which made it possible to identify and characterize the features of individual historical legal periods in the development of insurance legal relations in the transport sector of Ukraine; to compare legal relations and legal rules of different times in different geographical regions of Ukraine. Applying the axiomatic method allowed identifying and describing individual insurance legal relations in transport within the principles and functions of various branches of law. The system structural method was applied to clarify the relationship between different participants in insurance legal relations in the field of transport in different time periods and systematize historical legal periods of development of insurance legal relations in the transport sector of Ukraine already in the process of preparing this paper. As a result, the article was categorized following the names of the identified periods.

## **2. The Greco-Roman period of development of insurance legal relations in the transport sector**

As Klepikova points out, even in ancient times in the city-states of Greece, particularly on the island of Rhodes, local lawyers and economists formed and described the institute of general accident. Based on this institute, already in those days, a rule was formed about the priority of losing a smaller or part to save a larger or all. A general accident is usually understood as losses that the participants in the transportation process must bear. In other cases, they are about rules governing recognizing and distributing a common accident (Klepikova, 2011, p. 20). After the law of states on the territory of Ancient Greece, this rule passed to the law of Ancient Rome and later Byzantium, the countries of Europe and Asia. Various methods of risk

insurance have been used since ancient times to protect owners of sea and river vehicles, draft animals, cargo, and other material values in the field of transport. At the same time, relations on the insurance of interests, property, life and health of individuals or business entities, particularly economic and commercial activities, were not divided. Individual insurance institutions, such as the mandatory targeted use of insurance payments, the timeliness and regularity of contributions, the application of force majeure clauses, and others, have been preserved to a greater or lesser extent to this day. When insuring the life of a passenger, ship crew member, or other insured person and in the event of an insured event, i.e., the death of the insured person, only the heir under the will of such person could receive the insurance payment.

Since ancient times, there has been not only a division of law into private and public (today, we can point out the inaccuracy of such a division. In addition to this division of law, in Ancient Rome, insurance was divided into mutual (joint) and insurance based on regular contributions (Svitlychnyi, 2023, p. 24–25).

## **3. The Medieval period of development of insurance legal relations in the transport sector**

Mutual or joint insurance appeared for the first time in the fields of transport insurance and life insurance. This type of insurance was conditionally assigned to “wholesale” insurance, which is now considered insurance of legal entities. Insurance based on regular contributions is conditionally referred to as “retail” insurance (Adamov, 2009, p. 253). “Wholesale” transport insurance of cargo and sea vessels prevailed in the sphere of management, starting with trade or sea insurance (old policies that have survived were issued in Italy in the XIV century – the first of the insurance policies that have survived to this day was issued in medieval Italy in 1347 in connection with sea transportation) (Adamov, 2009, p. 253). Based on maritime trade, legal customs were formed that stimulated the emergence and registration of the then-trade law, based on which modern economic law was formed. The legal regulation of insurance activities at the first stages of its formation was based mainly on maritime legal customs.

Among the types of legal customs, port customs (customs of the port) are separately distinguished, which are rules established by practice that determine the relationship between the shipowner, shipper, and consignee when loading and unloading a sea or river vessel, rationing cargo operations, the procedure for calculating parking time, etc. (Shelukhin, Antoniuk, Vyshnyvetska, 2008, p. 24). Even

today, those who are engaged in international transportation through seaports know which of the participants in the transportation process is responsible for the cargo and provide its support, including financial support, at a particular stage of transportation. Accordingly, participants who have committed loss or damage to cargo or a sea vessel at a particular stage of the transportation process must also engage with the insurer on compensation for losses. Port customs apply in cases where the maritime transport agreement does not contain relevant provisions and instructions. If legal customs that do not contradict the current legislation of Ukraine are considered unconditional (Shelukhin, Antoniuk, Vyshnyvetska, 2008, p. 25). The positive aspect of the Middle Ages was the transition from legal customs to the formation of systematized acts, by which these customs acquired the form of written regulatory legal acts. The most famous is the Amalfi table, organized in the Italian shopping center of the Middle Ages – the city of Amalfi. In the Middle Ages, with the formation of large trading companies, the question of insurance of risks for carriers and cargo owners arose. This gave an impetus to the formation of the insurance services market. The first professional insurers were moneylenders, bankers, notaries, and other participants in financial relations. They already had some experience working in the financial markets and therefore specified insurance cases, terms of compensation for losses, terms, etc., in contracts more carefully than in ancient times. It was often stipulated that the policyholder would be deprived of insurance payments in case of improper, i.e., negligent attitude to the safety, protection, and maintenance of vehicles, cargo, or baggage. Gradually, insurers began to unify their services, essential terms of contracts, insurance rules, etc. To comply with this, insurers, like other employees on a professional basis, were united in guilds and other self-governing associations.

According to Klepikova, the beginning of regulatory regulation of vehicle ownership relations – the right to own a vehicle, the right to use it, transfer it to other persons for use, etc. – is associated with the emergence of an insurance case. Marine insurance is an ancient institution, which is confirmed by the Rhodes General Accident Law, compiled in the ninth century BC. Later, marine insurance was developed in northern Italy, southern France, etc. (Klepikova, 2019, p. 12–13). On the territory of Kievan Rus, relations in the field of transport gradually developed and became more complicated. The achievements of European countries in the legal support of relations in the field of transport were gradually introduced into economic prac-

tice. The development of insurance was challenging. This is associated with significant risks for both river and sea trade and land trade. Usually, the passage of water and land caravans was provided either by military detachments, which significantly increased the cost of delivery, or by an agreement on the safety of caravans with the peoples and tribes through whose lands they passed. In the latter case, the agreement was either mutual, according to which the Kyivan Princes guaranteed the passage of foreign caravans through their lands or was provided with payment. It also increased the cost of transportation. Obviously, in all cases, the activities of insurers looked redundant.

To encourage carriers, Prince Oleg signed a treaty with Byzantium in 911. Progressivity was that in medieval Western Europe, there was a “coastal law” in force, according to which the remains after a shipwreck went to the owner of the land to which they were nailed. Kyivan Rus was forced to accept progressive conditions mainly due to the refusal of many merchants to deliver goods due to natural risks and the dominance of thieves and pirates. Later treaties between Kyivan Rus and Byzantium in 944 and 971 extended the borders of merchant shipping first to individual Mediterranean countries and then to Alexandria, North Africa, and Spain (Klepikova, 2019, p. 13). Thus, the transport sphere in Kyivan Rus developed, and the insurance sphere began to form already at the time of the appearance of the Milky Way – the merchant class of Ukrainians in the 13th and 14th centuries. The chumaks used joint insurance, in which each of the chumaks made a contribution to the joint insurance fund before the campaign. After that, the general cash register was divided in half. Half remained in the community and was used after the completion of the transport and trade operation and confirmation of information about losses on the way incurred by a certain chumak. The other half of the cash register was taken with chumaks and used to cover expenses, repair vehicles, buy new animals to replace the dead or sick, etc.

Insurance of various risks in the professional activities of chumaks absorbed the progressive features available in the insurance activities of the most economically developed countries of that time and brought Ukrainian features to these relations. This is one of the first forms of formation of the insurance fund of transport organizations on Ukrainian lands. It can be attributed more to joint insurance than to commercial insurance carried out by professional insurers. This form of insurance in the field of transport activity was not historically the first in Ukrainian lands. However, it was promising for its time. In this form of insurance of risks

associated with the trade and transport activities of small Ukrainian merchants, private and public interests are flexibly intertwined. It was this form of insurance that influenced the traditions of developing not only insurance activities but also the cooperative spirit with all its forms and manifestations in the Ukrainian lands for the next few centuries after the termination of trade activities by chumaks and their transformation into industrialists, merchants, and bankers of the highest degree of economic development. Insurance of property, life and health, and transport liability was not left out (Svitlychnyi, 2023, p. 26).

#### **4. The period of development of the world economy and increasing the role of transport**

With the development and complication of economic relations, joint insurance began to give way to professional insurance, which was voluntary by established insurers. As mentioned above, their founders were various participants in relations in the financial markets. The emergence of insurance companies was associated with the development of capitalism, primarily in maritime transport and trade, where since the Middle Ages, there has been accumulated experience of various models of protection of owners of ships and cargo in case of their destruction, damage, or robbery during the voyage.

Due to the established traditions in insurance and insurance law in England and later in the German states in our time, Great Britain and Germany are among the world leaders in insurance of risks, property, and other tangible and intangible assets in the field of transport. Until now, international transportation is considered safe all over the world if the sea carrier insured its risks and received the so-called "Lloyd's form", which was generally formed and adopted by a large association of participants of insurance companies in the UK back in 1779 (Svitlychnyi, 2024, p. 72).

Since the emergence of the Russian empire, a significant part of the Ukrainian lands has been forcibly incorporated into it. Mutual insurance of chumaks, artisans, and other producers and merchants was decentralized and became an alternative to centralized insurance at that time, which was formed in the recognized centers of the empire. As Adamov points out, in the Russian empire, the first insurers began working in Riga in 1765 and only later in St. Petersburg and Moscow (Adamov, 2009, p. 254).

#### **5. The development period of insurance legal relations in the transport sector at the turn of the 19th and 20th centuries**

The central Russian government tried to develop the economy to a greater extent on the historical Moscow lands. Still, the ancient

customs of doing business led to the formation of significant trade, transport, and financial (in particular, insurance) companies and associations in Kharkiv, Kyiv, Odesa, and other cities and towns. Adamov mentioned above points out that one of the essential insurance centers was Odesa, where, due to its important geographical location, both local insurers and branches of well-known world insurance companies and companies with centers on Russian territory worked. Because of its geographical location, Odesa insurers provided their services to sea carriers, insuring merchant sea vessels, cargo and freight, rolling stock of private railways, and cargo transported by rail (Adamov, 2009, p. 255). However, the situation with Odesa is the exception rather than the rule. In general, at the turn of the 19th and 20th centuries, in general, the level of insurance in the field of transport within the Russian empire was significantly lower than the corresponding level in the capitalist states of Europe and America. The development of insurance was mainly aimed at personal insurance, and insurance of relations in the field of transport at that time was not widespread enough. The same can be said about the Ukrainian lands that were and developed as part of other countries and other empires.

#### **6. The Soviet period of development of insurance legal relations in the transport sector**

After the fall of the Russian empire in Soviet Russia in 1918, all insurance companies were nationalized. After the capture of Ukraine and its annexation, and then inclusion in the USSR, on the territory of the Ukrainian SSR, insurance of any activity, any property, and any risks was carried out by the state company Gosstrakh, which was part of the USSR Ministry of Finance and had a strict administrative hierarchy: it consisted of the main department of the USSR State Insurance, management in the Ukrainian SSR, city and regional insurance inspectorates. Transport companies-policyholders were formed in the form of state-owned enterprises. Disputes between the insurer and the policyholder, which were state-owned enterprises, were essentially resolved by the state unilaterally, taking into account its own interests. This order existed until Ukraine restored independence in the early 1990s. At this point, the process of ultra-rapid primary capital accumulation by new businesspeople and the formation of many business entities in various sectors and spheres of the economy began. The insurance sector was no exception, and in the mid-1990s, up to a thousand insurers worked in Ukraine. In the first years of independence, insurance relations were regulated either based on Soviet legislation or based on applying

the principles of the analogy of law since there was no separate personal tax code on insurance until May 1993.

#### **7. The period of development of insurance legal relations in the transport sector from 1990 to 2014**

The first Ukrainian regulatory legal act on insurance was the decree of the Cabinet of Ministers of Ukraine “On Insurance” as of May 10, 1993, which laid the foundations for insurance activities in independent Ukraine (On Insurance, 1993). In 1992 and 1993, the decrees of the Cabinet of Ministers of Ukraine had the status of legislative acts, changes and additions to which were then made by the laws of Ukraine. To replace this act, the Law of Ukraine “On Insurance” was adopted in 1996 (On Insurance, 1996), which administered and regulated insurance relations, which is why businesses began to withdraw capital from the insurance sector of the economy. Some insurers created associations to diversify their risks. The law increased the requirements for insurance reserve funds of companies and regulated certain types of insurance in detail. Such changes can be considered positive from the perspective of ensuring policyholders’ interests. Last but not least, such positive aspects relate to the transport sector. It is in the transport sphere that everything is in motion, which is why criminal encroachments of perpetrators of illegal seizures and other intruders are committed on transport facilities. Criminologists point out that the place of theft mostly does not coincide with the place of its detection; a significant period of time often passes between the commission and detection of theft. In some cases, the consequence of such criminal acts may be obstacles in the operation of transport (flight delays, schedule changes, damage to rolling stock, causing additional damage to transport organizations, creating emergencies, etc.) (Khovavko, 2012, p. 103). This leads to significant monetary costs, which can be partially covered by the insurance company. It is clear that the insurer will calculate its risks and will not work at a loss. In negative cases, insurers will refuse to enter into a contract with a potentially dangerous client transport company from the point of view of the possibility of an attack on it. In positive cases, insurers can diversify risks by reinsuring or redistributing them among other insurers. Perhaps that is why insurers began to unite in associations to protect their interests. In 1997, Ukraine’s most influential Insurance Association was formed – the League of Insurance Organizations (Svitlychnyi, 2024, p. 73–74).

The state tried to regulate the activities of insurers through administrative methods,

in particular by creating various control bodies, increasing the requirements for insurers, and increasing the minimum size of the authorized capital of the insurer, with differentiation depending on or without life insurance. In general, strengthening control and increasing the size of the authorized capital of the insurer is positive because insurance companies must have the financial capacity to fulfill their obligations to policyholders. Last but not least, this applies to insurers operating in the transport market (Svitlychnyi, 2024, p. 74–75). Despite this, due to the profitability of the insurance business, the number of insurers and the range of their services constantly increased until 2014. In general, in the transport sector, each type of insurance has its own advantages and customers. On the other hand, the same business entities – transport organizations can enter into different insurance contracts with the same insurers, depending on the situation, type of transportation, type of transport, features of counterparties and customers, etc. (Svitlychnyi, 2024, p. 74–75).

#### **8. The modern (military) period of development of insurance legal relations in the transport sector**

With the annexation of the Autonomous Republic of Crimea and the outbreak of hostilities in 2014, insurers began to refuse to enter into contracts with potential counterparties more. However, regulatory requirements regarding the mandatory insurance of motor liability of vehicle owners contribute to the survival and even a specific development of insurance activities. The end of the war in favor of Ukraine, which will necessarily take place in the conditions of support of the states of an economically developed Western civilization, will lead to the development of both activities in the field of transport and insurance of these relations (Svitlychnyi, 2024, p. 75). Today, transport insurance relations are regulated by many laws and bylaws. Moreover, on November 18, 2021, a new version of the Law of Ukraine “On Insurance” was adopted. The new law is significant in scope and details approaches to regulating insurance relations in various sectors and spheres of the economy and human activity. In particular, it pays attention to motor transport insurance, tourist insurance when making tourist trips, insurance for employees operating vehicles, civil aviation insurance, risk insurance when carrying out space activities in Ukraine, etc. (On Insurance, 2021).

State regulation of insurance activities in Ukraine should be carried out based on consistency, planning, competence, and transparency, considering the current state of the economy, existing risks, and accepted development

goals (Nechyporenko, 2021). These principles are not fully observed in modern conditions. The regulatory framework should be based on the principles of consistency both in the insurance sector in general and in terms of insurance of activities in the transport sector in particular. However, the current legislation, which today regulates various relations in the field of compulsory insurance, is dispersed and not fully formed. It goes through the optimization stage in difficult wartime conditions. New regulatory legal acts are developed based on the traditions of the historical experience of the Ukrainian people and the leading features of leading countries in insurance issues – primarily the United Kingdom, the United States, and EU member states. The development of new regulatory legal acts and new standards for existing regulatory legal acts is somewhat dependent on the trends laid down during the historical development of the relevant legislation on the implementation of insurance activities in transport. The formation of relevant legislation is influenced by the development of scientific and technological progress and the digitalization of various processes of economic activity. Thus, in the insurance market of Ukraine through online channels, the following insurance services are implemented: internal and external contracts of civil liability insurance of land vehicle owners (“green card”), Casco insurance, voluntary medical insurance, travel, etc. (Popova, 2022). The development of these processes continues. However, this development is hindered by the warnings of drivers and carriers of the older generation, who in the 1970s and 1990s had a negative experience of cooperation with unscrupulous insurers. Insurance without the participation of the insurer’s employees through electronic devices increases distrust of the entire insurance market (Zavoloka et al., 2020, p. 105).

Today, both among specialists in technical sciences, as well as among economists, lawyers and other researchers, the possibility of using outer space as a transport route to other planets is being discussed. It is obvious that insurance contracts will be concluded in accordance with the legislation and rules of a particular country – the owner of a space object, the insurer, or a third country by agreement of the parties. After the occurrence of an insured event, compensation for damage is carried out based on a contract, as well as the legislation of a particular state. In this case, the third may be the state where the insured event occurs on the ground or in the airspace. Ukrainian scientists point out that today, in practice, a tacit agreement has been formed to consider outer space above 100–110 kilometers above sea level. Conse-

quently, traffic accidents, damage, etc., at a lower altitude are within the limits of the sovereignty of a particular state and are resolved with its participation (Obikhod and Bilenchuk, 2023, p. 18). The above indicates the emergence and initial development of a new period of legal support for insurance activities in the field of transport.

### 9. Conclusions

The historical legal periods of development of legislation on the implementation of insurance activities in transport highlighted below will allow for determining the area of development and adoption of relevant legislation. Analysis and understanding of the processes of legislation formation in past epochs of economic relations development will help determine the need for current legislative rules. Among the historical legal periods of development of legislation on the implementation of insurance activities in transport, the following can be distinguished:

I. The Greco-Roman period, during which the norms of primary legislation on transport insurance began to operate, and mutual (joint) insurance and insurance based on regular contributions were allocated.

II. The medieval period, during which insurance activities developed most often within professional guilds and workshops based on customary law. During this period, insurance was developed in the Ukrainian lands within the framework of professional associations of chumaks.

III. The period of development of the world economy and increasing the role of transport is the period of the beginning of industrialization, during which, in the second half of the 18th century, it was necessary to expand the types of insurance relations in the field of transport, develop common principles, rules, and guarantees for ensuring the interests of participants in these relations. In the 19th century, the empires in which the Ukrainian lands were located made attempts to regulate, subdue and monopolize the insurance sector and also developed the principles of insurance in the field of transport.

IV. The period of the turn of the 19th and 20th centuries, during which, from the end of the 19th century to 1918, the insurance business developed and became more complex in the direction of expanding the types of activities and insurance services and types of insurers by organizational and legal form, form of ownership, nationality, etc.

V. The Soviet period, during which there was a monopoly on the implementation of any type of insurance represented by the state enterprise “Sotsstrakh”.

VI. The period during which, in the 1990s and 2000s until 2014, there was a formation of the insurance services market in the field of transport, as well as the formation and permanent updating of legislation.

VII. The modern (military) period, during which from 2014 to the present day, subjects of insurance activities in the field of transport operate in unfavorable conditions, face force majeure circumstances, legislation is formed taking into account the requirements of wartime, the use of digital technologies is spreading, the beginning of legal regulation of insurance relations in transport in outer space.

The research conducted in the paper and the generated periodization of the development of the principles of legal support for insurance processes in the transport field indicate a constant complication of legislative rules and a gradual strengthening of public interests in these processes. The formation of an insurance company, the initiative (usually on the part of the transport company or the owner (recipient) of the cargo) to conclude an insurance contract, was caused by the need to realize private interests. The most challenging period for the normal functioning of insurers and transport companies is the modern (military) period. However, even here, due to the increasing importance of the role of transport (especially sea, rail and road transport), the insurance market is developing.

The post-war restoration of the social sphere and the state economy will lead to a revolutionary increase in the amount of traffic by all modes of transport and, accordingly, the quantitative and qualitative expansion of types of insurance services. Therefore, the legislation of Ukraine is faced with the task of ensuring the implementation of insurance in the field of transport, taking into account the risks of wartime, and at the same time being ready to clarify and expand legislative rules at the beginning of the post-war recovery. To a certain extent, these tasks will be given attention in the subsequent scientific research.

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## ІСТОРИЧНИЙ РОЗВИТОК ПРАВОВІДНОСИН ІЗ СТРАХУВАННЯ У ТРАНСПОРТНІЙ СФЕРІ

Анотація. **Мета.** Метою статті є виокремити і стисло схарактеризувати історико-правові періоди розвитку правовідносин із страхування у транспортній сфері України, які пізніше дадуть змогу визначити напрями розробки і прийняття відповідного законодавства в сучасному періоді. **Методи дослідження.** Досягти поставленої мети вдалося завдяки застосуванню комплексу відомих людству класичних методів наукового пізнання, які спираються на засади матеріалістичної діалектики. Під час підготовки цієї статті найбільш широко застосовувалися історично-правовий і порівняльно-правовий методи, за допомогою яких вдалося виявити та схарактеризувати особливості окремих історико-правових періодів розвитку правовідносин із страхування у транспортній сфері України; порівняти правовідносини і правові норми різних часів у різних географічних регіонах України. Застосування аксіоматичного методу дало змогу виявити й описати окремі правовідносини із страхування у сфері транспорту в межах принципів і функцій різних галузей права. Системно-структурний метод використовувався для з'ясування взаємозв'язку між різними учасниками правовідносин із страхування у сфері транспорту в різні часові епохи, а також для систематизації історико-правових періодів розвитку правовідносин із страхування у транспортній сфері України вже в процесі написання роботи. Завдяки цьому рубрикацію статті було побудовано за назвами виявлених періодів. **Результати.** Серед історико-правових періодів розвитку законодавства про здійснення страхової діяльності на транспорті можна виділити такі:

I. Греко-римський період.

II. Середньовічний період.

III. Період розвитку світової економіки і підвищення ролі транспорту.

IV. Період межі XIX і XX століть.

V. Радянський період.

VI. Період, протягом якого з 1990-х до 2014 року відбувалося становлення ринку страхових послуг у сфері транспорту, а також формування та перманентне оновлення законодавства.

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VII. Сучасний (воєнний) період, протягом якого з 2014 року до наших днів суб'єкти страхової діяльності у сфері транспорту діють у несприятливих умовах, стикаються із форс-мажорними обставинами, законодавство формується з урахуванням вимог воєнного часу, поширюється застосування цифрових технологій, початок правового регулювання страхових відносин у транспорті в космічному просторі.

**Висновки.** Проведене у статті дослідження і згенерована періодизація розвитку засад правового забезпечення процесів страхування у сфері транспорту вказують на постійне ускладнення законодавчих норм і поступове посилення публічних інтересів у цих процесах. І це при тому, що утворення страхової компанії, ініціатива (частіше з боку транспортної компанії чи власника (отримувача) вантажу) в укладенні договору страхування були викликані потребою в реалізації приватних інтересів. Найскладнішим для нормального функціонування страховиків і транспортних компаній є сучасний (воєнний) період. Проте і тут внаслідок підвищення важливості ролі транспорту (особливо морського, залізничного й автомобільного) страховий ринок розвивається.

Ключові слова: страхування, транспорт, суб'єкт господарювання, перевезення, правовий звичай, транспортне законодавство, страхові відносини, історико-правові періоди, вантаж, майно, життя і здоров'я, пасажир, судно, морський порт, залізниця, аеропорт.

*The article was submitted 17.10.2023*

*The article was revised 08.11.2023*

*The article was accepted 28.11.2023*