

Modern environmental, economic, and legal challenges of tourism enterprises

Halyna Leskiv*

PhD in Technical Sciences, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
<https://orcid.org/0000-0002-4900-9466>

Mykyta Panteleiev

Postgraduate Student
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
<https://orcid.org/0000-0002-3305-8634>

Nazarii Lesyk

Postgraduate Student
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
<https://orcid.org/0000-0001-8116-5373>

Nataliya Blaga

PhD in Economic Sciences, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
<https://orcid.org/0000-0001-9433-9459>

Abstract. Choosing the best strategy for the functioning of a tourism enterprise is a considerable factor that affects its safety and development. Such choices depend on a considerable number of variables, including environmental, economic, and legal challenges, which are exacerbated by the hyper-dynamic environment. The purpose of this study was to develop a methodical approach to evaluating the strategies of functioning of a tourism enterprise. The key research methods were the expert analysis method, which helped to determine the impact of certain challenges, and the BOCR method, which formed the basis for modelling. The study created a model for evaluating the proposed two variants for the strategy of functioning of a tourism enterprise according to the four BOCR criteria: positive effects, costs, opportunities, and risks of environmental, economic, and legal nature. Thus, it was possible to create a basis for building an information framework for the development and implementation of an optimised strategy that will satisfy all the environmental, economic, and legal needs of the modern tourism industry. It was found that martial law in Ukraine leads to an increase in the dynamism of the external environment, wherein an adaptive approach allows such open socio-economic systems as modern tourism enterprises to function safely. The study found that the best strategy for tourism enterprises as of 2024 is a dynamic adaptive one, which involves dynamic actions and allocation of own resources for the development of domestic tourism with the expansion of international corporate cooperation and partnership. The study described how the proposed strategy of operation affects the legal security of tourism enterprises. The practical value and significance of the findings obtained is that the proposed methodological approach to assessing the strategies of functioning of a tourism enterprise can be used by the subjects of both economic and legal security, which include the management of the enterprises themselves and persons making managerial decisions in the field of ensuring their security

Keywords: strategy choice; environmental dynamics; environmental and economic aspects; martial law; project management; legal security

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*Corresponding author



Introduction

Since the events of 24 February 2022, the issue of security in Ukraine has been considered in many ways, both at the level of an individual enterprise and at the level of the state. The political and economic situation in Ukraine has undergone rapid changes, making security aspects that were previously less important almost critical. Strong shocks were felt at all levels: economic, legal, and environmental. Businesses have had to adapt to a new legal environment where typical contractual obligations have been abandoned for reasons of national security. Intense pressure on the legal security of businesses has led to increased government control and monitoring of business activity. However, while these measures were important from a national security perspective, they introduced uncertainty and restrictions for businesses, jeopardising their ability to act in line with forecasts. This was especially noticeable for the tourism industry, which is directly involved in operations abroad. New challenges and threats have emerged that have had a substantial impact on the activities of every open socio-economic system, including enterprises. Various businesses have been affected by the hyper-dynamic environment in diverse ways, but the tourism industry has experienced the most catastrophic problems. Under martial law, problems with the stability of businesses and the safety of tourists have increased. As of the beginning of 2024, there were no public-private partnerships in the tourism sector in Ukraine, as the state focused on ensuring national security. The functioning of tourism enterprises depended on their ability to ensure their existence. This required the development of new strategies that would not only optimise their operations, but also find new opportunities for development. Thus, there was a need for an adaptive strategic approach that would consider the critical components of the functioning of any tourism enterprise: ecology, economics, and law.

B.C. Ibanescu *et al.* (2018) analysed the impact of tourism on sustainable rural development in Romania. The researchers point out that tourism can contribute to economic growth and social development, but also poses risks to the natural environment and local cultures. The researchers employed quantitative methods to assess the impact of tourism activities on environmental sustainability and offered recommendations for implementing sustainable practices in tourism, i.e., attracting regular customers. Y. Kozak *et al.* (2019) focused on the development of a strategy for the integrated development of tourism enterprises. The researchers investigated the methods of strategic analysis and planning that can be used to ensure the harmonious development of the tourism industry, specifically through integration with other sectors of the economy.

Notably, when investigating the tourism industry, one should consider various socio-political, socio-economic, and environmental challenges that affect the choice of functioning strategies. According to V. Lagodiienko *et al.* (2022), it is environmental challenges that have the most significant impact. Therefore, the researchers analysed how environmental initiatives can be integrated into the business models and development strategies of tourism enterprises, affecting their economic attractiveness and social responsibility. O. Svatiuk *et al.* (2023) addressed the management of a rural tourism cluster based on an

economic and mathematical model of cash flows. The researchers' approach helps to optimise financial results and develop effective management strategies that accommodate the specifics of the region and customer needs.

C. Aldao *et al.* (2021) considered the specifics of crisis management modelling and the impact of the crises of the 21st century on tourism, specifically the COVID-19 pandemic. The researchers emphasised the significance of rapid adaptation to crisis conditions and the development of flexible management strategies to change operational plans in response to unforeseen events. M.A. Bhuiyan *et al.* (2021) analysed research on tourism, the economic crisis and loss mitigation processes, considering the situation before, during, and after the pandemic. The researchers pointed to the need to develop long-term strategies to minimise losses and restore the tourism sector after crisis episodes. P. Popek Biškupec *et al.* (2022) joined the discussion on macroprudential measures to mitigate the impact of such crises on tourism. Their study examined regulatory and policy initiatives that can be leveraged to stabilise the tourism market in times of economic uncertainty. Y. Yang *et al.* (2020) applied a dynamic stochastic general equilibrium modelling approach to the analysis of the pandemic, which allowed them to investigate the interaction between tourism and the spread of infectious diseases. This study is important for understanding how various economic factors can affect not only the tourism industry itself, but also its customers. Thus, it can serve as a basis for the development of preventive strategies in the industry.

All the studies cited above have in common that they are irrelevant today for Ukrainian tourism businesses, which managed to adapt to the post-pandemic conditions but were not ready for wartime conditions. O. Sylkin *et al.* (2023) investigated the impact of international tourism on regional sustainable development using a methodological approach to efficiency improvement. Their methods and conclusions were aimed at developing strategies for managing tourism enterprises in crisis regions where active hostilities are taking place. F.A.F. Alazzam *et al.* (2023a; 2023b) and H.J.M. Shakhathreh (2024) analysed the management of the state environmental management system in the context of commercial bioeconomy development. The studies focused on the significance of environmental aspects in strategic planning, which is key in wartime to minimise negative environmental impact and preserve natural resources.

The conducted literature review on the subject under study suggests that there are understudied aspects, including the dynamics of changes in tourism strategies. While the existing literature covers strategic management in the tourism industry, it often does not focus on how these strategies adapt to hyper-dynamic environments, especially those affected by acute geopolitical or environmental shocks, such as the situation in Ukraine as of 2024. Most studies ignore a sizeable share of environmental, economic, and legal problems of strategic planning of tourism enterprises.

Based on the results of the analysis of scientific literature on the development of tourism enterprises, the following purpose of the study was formed to develop a methodology for evaluating the strategies of functioning of a tourism enterprise in a hyperdynamic environment.

Materials and methods

Fulfilling the stated purpose of the study required the use of various analysis methods. The method of expert evaluation requires the most attention. An essential component of the methodology was the involvement of a group of 30 experts from Ukraine in the fields of tourism management, ecology, economics, and law. The sample was formed based on reading the biographies of the respondents, which are freely available. The selection criteria were based on their experience, contribution to their respective fields of operation, and the use of innovative approaches to solving complex problems related to the operation of tourism enterprises. The experts were contacted via online meetings in the format of video conferences, which provided a series of structured interactive sessions. This digital format helped to achieve wide geographical representation and flexibility, ensuring a comprehensive contribution to the overall result. The Delphi method was also used as a structured and effective communication technique that is particularly well-suited to handling complex issues where subjective assessments are required. This integrative multi-round method helped to clarify the opinions of experts. Each round consisted of a questionnaire, and subsequent rounds were adapted according to the answers from the previous session.

Using a questionnaire as the main data collection tool, the first round included open-ended questions aimed at identifying the main challenges and opportunities facing tourism enterprises in the context of environmental and economic changes and legal restrictions. The questions included the following: “What are the main environmental challenges affecting your business?”, “What legal changes have the greatest impact on your business?”, and “What adaptation strategies do you consider to be the most effective in the current hyper-dynamic environment?”. In subsequent rounds, the questions became more specific and focused on clarifying the answers provided in the previous round to elaborate on the themes that emerged. The survey was conducted following the rules and provisions of the European Commission Guidance Note on Ethics and Data Protection (2021). All respondents were informed of the purpose of the study, the risks involved, and how their anonymity would be ensured.

To prioritise the strategies and assess their relative importance using several criteria, the BOCR method was applied, which should be understood as an assessment of the following factors: the relative environmental, economic, and legal advantages of one strategy over another; the possibilities of environmental, economic, and legal action; the different forms of costs for developing comparative strategies; and the environmental, economic, and legal risks posed by each strategy. Therefore, each strategy (“S”) was assessed against these four criteria to reflect the global impact of potential consequences. The experts used their industry knowledge and insights gained from the Delphi rounds to rank the strategies against each of the BOCR criteria. This approach helped to identify and

choose the strategy that fits best in a hyperdynamic environment. Therewith, for further analysis and formation of the relevant comparison tables, a scale from 1 to 9 was used. Where at 1 the objects of comparison are equivalent, and at 9 one is absolutely superior to the other.

In the study of the legal aspect of the problem, the regulations of Ukraine were examined, including the Law of Ukraine No. 324/95-BP “On Tourism” (1995), which defines the legal framework for regulating tourism activities, as well as the norms on the safety and quality of tourism services, the Law of Ukraine No. 2469-VIII “On National Security of Ukraine” (2018) and the Law of Ukraine No. 389-VIII “On the Legal Regime of Martial Law” (2015), the Draft Law of Ukraine No. 4162 “On Amendments to the Law of Ukraine “On Tourism” and Some Other Legislative Acts on the Basic Principles of Tourism Development” (2020). Thus, the study employed formal legal analysis and analysed the sources that, as of 2024, directly affect the functioning of tourism enterprises in Ukraine.

Results

According to Article 1 of the Law of Ukraine No. 324/95-BP “On Tourism” (1995), tourism is a temporary departure of a person from the place of residence for recreational, educational, professional, business, or other purposes without carrying out paid activities. As noted above, tourism in Ukraine is in a deep crisis. The decrease in the number of operating tourism businesses in 2020 can be explained by a series of factors, but most of them were caused by the COVID-19 pandemic. First of all, the implementation of severe restrictions on international and domestic tourism has led to a substantial decline in demand for tourism services. From a legal standpoint, the main measures were restrictions on international travel, including border closures, entry bans for foreign tourists, and quarantine or self-isolation for arriving citizens of other countries. Domestically, the government has imposed restrictions on the movement of people between regions, and limited the operation of public places, including hotels, restaurants, and tourist attractions. Thus, one of the key regulations that governed restrictions in Ukraine during the COVID-19 pandemic was the Resolution of the Cabinet of Ministers of Ukraine “On Prevention of the Spread of Acute Respiratory Disease COVID-19 Caused by the Coronavirus SARS-CoV-2 in Ukraine” (2020). This resolution introduced the “Temporary Recommendations on the Organisation of Anti-Epidemic Measures”, which established quarantine and other restrictive measures throughout Ukraine. Businesses were forced to cease operations due to restrictions on the movement of people and reduced financial capacity of customers. During the period of martial law in Ukraine, the number of tourism businesses declined further. The martial law has led to uncertainty in the country, which has resulted in a decline in the confidence of both local and foreign tourists in the tourism sector. This influenced the decision of entrepreneurs to open tourism businesses (Fig. 1).

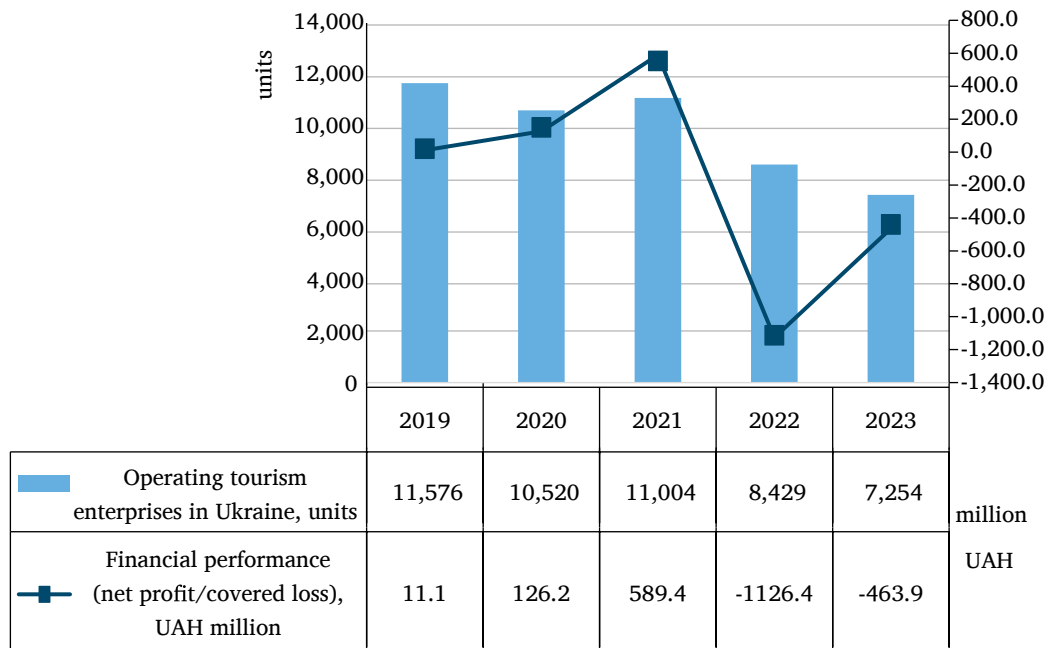


Figure 1. Key performance indicators of Ukrainian tourism enterprises for two periods of major crises (COVID-19 pandemic and martial law)

Source: calculated according to data from the State Statistics Service of Ukraine (2023)

Restrictions on international and domestic tourism have led to a sharp decline in sales and services, which has directly affected businesses' revenues. Consequently, according to the State Statistics Service of Ukraine (2023), many tourism businesses have been forced to cut costs, including staff reductions and marketing spending, to maintain financial sustainability. This resulted in a decrease in the efficiency of operations and affected the overall profitability of the companies, leading to a decrease in net profit. The sharp decline in tourist demand caused by the escalation of hostilities and the decline in overall economic activity resulted in large amounts of uncovered losses. Tourism businesses have faced significant costs in maintaining safety for staff and guests in the face of instability and the threat of conflict. Furthermore, the war has resulted in losses for tourism businesses due to a decline in tourist flows, restrictions on access to certain regions, and a decline in confidence in travel safety overall.

Thus, there is a need for new strategies for the functioning of tourism enterprises in such complex hyper-dynamic conditions:

S1. Static adaptive strategy. It involves the adaptation of a tourism enterprise to changes in the environment, but with a greater emphasis on maintaining stability and a conservative approach to change. The focus of this strategy is to respond quickly to concrete challenges and circumstances, but without pronounced changes in the strategic vectors of the business. For instance, such an enterprise can quickly change its marketing strategies or range of services in

response to unforeseen events, but it stays within the overall strategic business line.

S2. Dynamic adaptive strategy. It implies a more active response to changes in the environment and readiness for considerable changes in strategic vectors. It is based on a continuous analysis of external factors, trends, and consumer needs. A tourism company that chooses this strategy actively experiments with innovative ideas, products, and markets, discovering new opportunities and responding quickly to challenges. A key element of this strategy is flexibility and the ability to quickly resolve and respond to problems.

Typically, tourism businesses strive for stability and safe development, trying to minimise risks through conservative planning and forecasting. However, in modern hyper-dynamic environment, especially with increased environmental, economic, and legal challenges, such approaches may not be sufficiently effective. The proposed strategies represent a more expressive form of flexibility: a static adaptive strategy provides a quick response to current challenges without radical changes in the strategic course, while a dynamic adaptive strategy opens the way for substantial changes in strategic vectors and rapid adaptation to new market conditions and opportunities, which allows for a more effective response to the complexities of a hyper-dynamic environment. Considering the two given variables (in this case, strategies), one need to determine the optimum one. The BOCR method was applied, which, through 4 environmental, economic, and legal criteria, will make this task possible (Fig. 2).

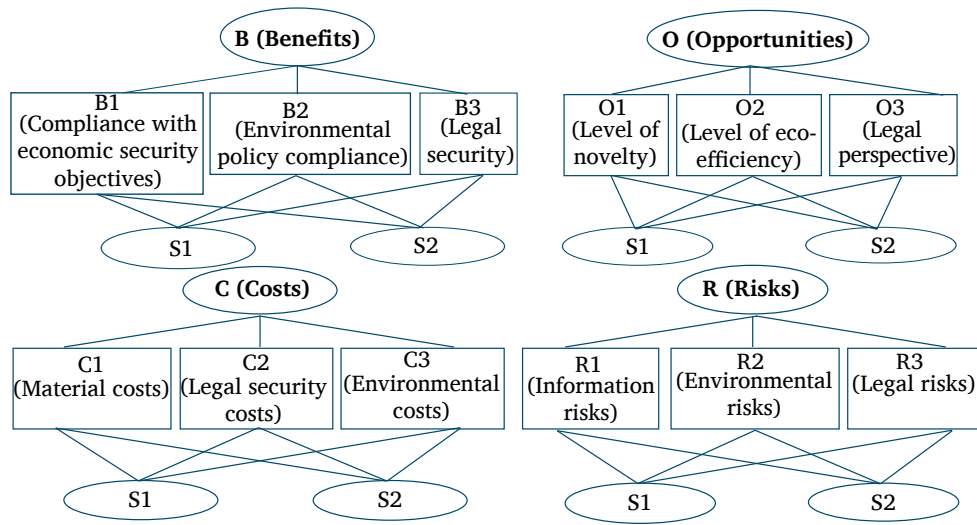


Figure 2. Model of criteria for comparison using the BOCR method

Source: created by the authors of this study

According to the BOCR method, the B criterion includes three main aspects: compliance with economic security goals, compliance with environmental policy, and legal security. These criteria are aimed at determining the potential of the strategy to achieve economic goals while following the environmental standards and requirements that are key to the sustainable development of the tourism industry. In addition, ensuring that all transactions follow the legal norms is fundamental to maintaining legality and strengthening the legal security of the enterprise, which affects its reputation and customer confidence. The O criterion assesses the potential of the strategy to bring innovative solutions or products that may differ from traditional approaches and offer new opportunities for security development and customer engagement. Therewith, the C criterion covers the direct costs of implementing the strategy, including the costs of resources, technology, infrastructure, etc. Notably, the R criterion

implies potential legal challenges, such as non-compliance with the law, lawsuits, fines, and other legal threats to the company’s operations.

Thus, as with the strategies, all the criteria were determined based on the personal experience of the authors of this study and expert opinion. Next, a direct and clear modelling objective was formed, and the advantages of which strategy were determined according to each BOCR criterion. Therefore, the comparison was made according to the following equality:

$$\frac{p*(p-1)}{2}, \tag{1}$$

where *p* is the number of cases at the same level (in this case, according to each of the BOCR criteria); 2 is the number of variables, namely strategies (S1, S2). The comparison results are presented in Table 1.

Table 1. Comparison results by three indicators for each of the BOCR criteria

B	O
$\begin{pmatrix} 1 & 1/6 & 1/5 \\ 6 & 1 & 2 \\ 5 & 1/2 & 1 \end{pmatrix}$	$\begin{pmatrix} 1 & 2 & 1/7 \\ 1/2 & 1 & 1/8 \\ 7 & 8 & 1 \end{pmatrix}$
C	R
$\begin{pmatrix} 1 & 1/3 & 2 \\ 3 & 1 & 3 \\ 1/2 & 1/3 & 1 \end{pmatrix}$	$\begin{pmatrix} 1 & 2 & 1/8 \\ 1/2 & 1 & 1/7 \\ 8 & 7 & 1 \end{pmatrix}$

Source: created by the authors of this study

Next, in equation (1), it is necessary to introduce the variable *n*, which implies the number of criteria, i.e., it is necessary to compare two strategies for each of the BOCRs (B1–B3; O1–O3; C1–C3; R1–R3). As a result, the following inequality was obtained:

$$n * \frac{p*(p-1)}{2}, \tag{2}$$

where *n* is the number of criteria that necessitated the comparison of three pairs of objects. Next, the results of the comparison of the adaptive strategy of the tourism enterprise proposed by the experts in relation to all 12 BOCR criteria (three for each, according to figure 2) were formed (Table 2).

Table 2. Results of comparing adaptive strategies of functioning of a tourism enterprise in relation to all BOCR criteria

B1		B2	
$\begin{pmatrix} 1 & 1/2 \\ 2 & 1 \end{pmatrix}$		$\begin{pmatrix} 1 & 1/8 \\ 8 & 1 \end{pmatrix}$	
B3			
$\begin{pmatrix} 1 & 1/5 \\ 5 & 1 \end{pmatrix}$			
O1		O2	
$\begin{pmatrix} 1 & 1/7 \\ 7 & 1 \end{pmatrix}$		$\begin{pmatrix} 1 & 1/5 \\ 5 & 1 \end{pmatrix}$	
O3			
$\begin{pmatrix} 1 & 1/8 \\ 8 & 1 \end{pmatrix}$			
C1		C2	
$\begin{pmatrix} 1 & 2 \\ 1/2 & 1 \end{pmatrix}$		$\begin{pmatrix} 1 & 4 \\ 1/4 & 1 \end{pmatrix}$	
C3			
$\begin{pmatrix} 1 & 3 \\ 1/3 & 1 \end{pmatrix}$			
R1		R2	
$\begin{pmatrix} 1 & 1/4 \\ 4 & 1 \end{pmatrix}$		$\begin{pmatrix} 1 & 1/6 \\ 6 & 1 \end{pmatrix}$	
R3			
$\begin{pmatrix} 1 & 1/9 \\ 9 & 1 \end{pmatrix}$			

Source: created by the authors of this study

The final stage is to establish the weight of the proposed strategies through utility. For this, the following calculations need to be performed:

$$U = \sum_{i=1}^n w_i * u_{ij}, \tag{3}$$

where w is the relative importance of the criterion; u_{ij} is the geometric mean of the elements of each row. To perform these calculations, it is necessary to determine the value of w , i.e., the priority, and u , the relative weight of alternative strategies. While the latter can be obtained from the

fractional values in Tables 2 and 3, w needs to be discussed in greater detail. To calculate the priority, the following equality (4) should be fulfilled:

$$w_i = \frac{\sqrt[m]{a_{i1} * a_{i2} * \dots * a_{im}}}{\sum_{i=1}^m \sqrt[m]{a_{i1} * a_{i2} * \dots * a_{im}}}, \tag{4}$$

where a_{im} is precisely the element i of row j of the column of the matrices presented in Tables 2 and 3. Thus, omitting the intermediate volumetric calculations, the solution to problem (4) can be presented in the form of Table 3.

Table 3. Calculation of the priority vector for each of the BOCR criteria

B		O	
$\begin{pmatrix} 0.05 \\ 0.65 \\ 0.3 \end{pmatrix}$		$\begin{pmatrix} 0.15 \\ 0.05 \\ 0.8 \end{pmatrix}$	
C		R	
$\begin{pmatrix} 0.3 \\ 0.6 \\ 0.1 \end{pmatrix}$		$\begin{pmatrix} 0.14 \\ 0.1 \\ 0.75 \end{pmatrix}$	

Source: created by the authors of this study

The next step is to calculate the utility and optimality for each of the proposed adaptive strategies. The result is presented in Table 4. Therefore, a dynamic adaptive strategy for the functioning of tourism enterprises in Ukraine will be the most optimal. BOCR is a framework that considers the main aspects of strategic management and planning. Thus, in a hyper-dynamic environment, where changes

occur quickly and unexpectedly, a flexible strategy allows an enterprise to be more adaptive and respond quickly to changes in market conditions, technological and economic trends. It is a dynamic adaptive strategy that allows an enterprise to respond more quickly to new opportunities, thereby providing an advantage over competitors who may be less flexible in their actions.

Table 4. The weight of the proposed adaptive strategies for the functioning of a tourism enterprise

U	Weight according to BOCR			
	B	O	C	R
U1	0.2	0.1	0.3	0.1
U2	0.8	0.9	0.7	0.9

Source: created by the authors of this study

The key to a dynamic adaptive strategy is the optimisation of service delivery processes, which is an essential element of a successful tourism enterprise. This should include improving service technology, enhancing service quality, reducing customer waiting times, and ensuring customer satisfaction at every stage of the journey or holiday. Notably, project management should be implemented through a dynamic adaptive approach. Effective project management is key to the successful implementation of initiatives and achievement of goals. Project management enables businesses to effectively plan, execute, and monitor various initiatives and projects aimed at improving operations and developing their business:

Environmental aspects include sustainable development, minimising environmental impact, and developing ecotourism. Integration of sustainable development principles into all aspects of the business, including the use of eco-friendly materials, waste reduction, energy saving, and the use of alternative energy sources. Minimisation of the impact on nature means developing routes and programmes that reduce the impact of tourism activities on natural resources and ecosystems. Ecotourism development should consider the development and promotion of ecotourism products that support nature conservation and engage local communities in tourism.

The economic aspects of an adaptive strategy include diversification of services, digital transformation, and pricing flexibility. These aspects include the introduction of new services that can attract different target groups and markets, especially in an uncertain environment, the use of digital technologies to improve customer experience, optimise management and marketing processes, and adapt pricing strategies to changes in the economic environment, using dynamic pricing and personalised offers.

Legal aspects include compliance with international and local legal standards. Continuous monitoring and adaptation to changes in legislation relating to the tourism industry, specifically in the areas of environmental protection, labour relations, and consumer protection. Changes in legislation, especially in the context of globalisation, require careful monitoring and rapid adaptation to new requirements. This includes environmental regulations that define environmental safety standards, consumer protection regulations that affect customer relations, and labour law regulations that govern relations with employees. Failure to follow these regulations may result in substantial financial penalties, legal claims, or loss of reputation, which will adversely affect the stability and development of the company. Therefore, to ensure legal security, tourism enterprises should develop an internal control and audit system that will allow them to promptly identify risks of non-compliance with the law and take measures to eliminate them. Special attention should be paid to the Law of Ukraine No. 2469-VIII “On National Security of Ukraine” (2018), which regulates the issue of organic production, which is vital for tourism enterprises offering food and goods of organic origin.

In this context, it is important to follow the Law of Ukraine No. 324/95-BP “On Tourism” (1995), which defines the legal, economic, and social framework for tourism activities and establishes norms aimed at developing and supporting the tourism industry in the country. Failure to follow these laws could result in considerable legal consequences, including financial penalties and lawsuits, which could adversely affect the business. For instance, Article 33 of the Law of Ukraine No. 324/95-VR “On Tourism” (1995) mandates that a tourism entity that has violated the legislation in the field of tourism activities in the provision of a tourism service that caused damage shall be obliged to compensate the tourist for the damage in full, unless the contract or law prescribes compensation in a smaller or larger amount. But alongside this, Article 12 should also be considered, which indicates the measures that the state can take to support the tourism industry, including financing, tax incentives, and infrastructure development. Knowing and using these provisions can help tourism businesses plan their activities and use the opportunities offered by the state. Following these articles and exercise of constant monitoring of their changes is critical to prevent legal risks and ensure the sustainable development of the enterprise in the tourism sector.

Therewith, the adaptive strategy will consider the European vector of Ukraine’s development, the implementation of which is mandated by the Resolution No. 1106 “On the Implementation of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part” (2017). According to this document, the state should take measures to develop a general strategy for the development of the tourism business, with a special focus on the development of rural green tourism and agro-recreational areas, as well as the development of other resort areas by 2026. The need to consider these obligations in current legislation prompted the drafting of new tourism legislation. As a result of the objective necessity dictated by the stagnation of the Law of Ukraine No. 324/95-VR “On Tourism” (1995), its inconsistency with environmental and legal realities, the European integration course and trends in the tourism business, Ukrainian legislators created the Draft Law of Ukraine No. 4162 “On Amendments to the Law of Ukraine “On Tourism” and Some Other Legislative Acts on the Basic Principles of Tourism Development” (2020). Thus, Article 26 of the Draft Law states that tourism enterprises must ensure that they minimise or eliminate harmful impacts on the environment and socio-cultural environment and compensate for the damage caused to them.

However, this document does not define such actions, which creates room for different interpretations, and, as noted by O. Hafurova and S. Holub (2022), this draft does not provide ways to follow such principles. The situation could be improved by the creation of relevant targeted programmes that would set clear criteria for improving environmental safety. The current Tourism and Resort Development

Strategies for the Period up to 2026 (2017) mandates state monitoring of the environmental state and natural therapeutic and recreational resources, as well as physical factors at resorts, tourist areas, and places of recreation. This means that businesses need to consider the environmental risks posed by their activities and carefully monitor their compliance with environmental legislation. In this regard, further legislative work could be aimed at ensuring the implementation of such documents as the Chengdu Declaration on 'Tourism and the Sustainable Development Goals' (2017).

Procuring the necessary licences and certificates that may be required for new activities or products, especially those related to ecotourism and sustainable development, is also a necessary component of the proposed adaptation strategy. For example, in the field of ecotourism, where the emphasis is on the sustainable use of natural resources and biodiversity conservation, licensing is a guarantee that the company's activities follow all environmental standards and regulations. Certification, for its part, helps to confirm the quality of services and products, providing businesses with a competitive advantage and opening access to new markets. Certified products and services inspire more trust among consumers and partners, which contributes to business growth and geographical expansion.

Legal protection of intellectual property in the tourism industry plays a key role in ensuring a competitive advantage. Protecting innovative ideas and products through patents, copyright, and trademarks allows tourism businesses to ensure that their innovations are properly protected. Copyright and trademark registration plays a vital role in protecting unique tourism products, such as special tours or promotional materials. The active use of intellectual property tools not only protects innovation but also stimulates additional investment in research and development. For instance, a properly executed copyright for unique itineraries and a patent for innovative travel organisation methods can not only provide protection against copying, but also become a source of passive income through licensing. This protection is crucial in cases where other companies try to use other people's innovations without permission, ensuring that original ideas stay profitable for their creators.

Thus, the modelling reveals a comprehensive methodological approach to choosing the best strategy for the functioning of tourism enterprises, considering environmental, economic, and legal challenges, in the context of the hyper-dynamic environment in which Ukraine is located as a result of martial law. This approach correlates with recent research in the field of tourism and security development. For a better understanding, the findings of this study must be compared with analogous results. For example, S. Candia *et al.* (2020) focused on the integration of the capacity methodology into strategic tourism plans. While this reflects the environmental component, the approach proposed in the present study further extends the analysis by adding both economic and legal factors. F. Fafurida *et al.* (2022) demonstrated the significance of public participation, i.e., considering socio-legal challenges specifically. To some extent, this complements the findings, showing that domestic resources and public participation are critical for tourism development, especially in developing regions. S. Kryshchanovych *et al.* (2020) has a comparable optics, wherein the attitude of the enterprise's personnel to management decisions is investigated as a factor. However, the lack of consideration of the

dynamism of the external environment and environmental and economic challenges is also notable. N. Rushchyshyn *et al.* (2021) considered the regulatory and legal aspects of the financial security of the state, which complements the above analysis of legal challenges affecting tourism enterprises during martial law. Overall, the proposed methodological approach to analysing the strategies of tourism enterprises is distinguished by the use of dynamic adaptation to respond to rapid changes, considering the environmental, economic, and legal challenges. This helps not only to respond to current challenges but also to actively use opportunities for the safe development of domestic and international tourism. Therewith, it is worth supporting the conclusions of O. Hafurova and S. Holub (2022), who noted that Ukraine does not have an effective legal mechanism for compliance with international standards in the field of tourism and the Draft Law of Ukraine No. 4162 "On Amendments to the Law of Ukraine "On Tourism" and Some Other Legislative Acts on the Basic Principles of Tourism Development" (2020) does not fully meet European requirements.

S. Schuhbauer and A. Hausmann (2022) and O. Chernegha *et al.* (2022) investigated the role of information and communication technologies in cultural institutions in rural areas, emphasising a resource-theoretical approach based on interviews. While their research focuses on the introduction and use of information and communication technologies (ICT) to improve visitor experience and operational efficiency, the present study extended this to a broader strategic level, highlighting the need for a dynamic adaptive strategy in the tourism sector. In doing so, the approach presented in this study emphasised the integration of ICT as part of a broader strategic framework that addresses not only technological adaptation but also environmental, economic, and legal issues, demonstrating a holistic response to the hyper-dynamic pressures faced by modern tourism businesses. Compared to the study by O. Vovchak *et al.* (2022), which modelled the impact of the COVID-19 pandemic on the financial and economic activities of tourism enterprises, the present study additionally examined the adaptive capabilities of these enterprises. The researchers describe the immediate financial strategies being implemented to mitigate the effects of the pandemic. However, the researchers considered the long-term strategic adjustments needed to thrive in an uncertain environment. By examining both the BOCR framework (benefits, costs, opportunities, and risks) and the concrete context of martial law in Ukraine, the findings of the present study suggest that strategic flexibility, especially in developing domestic tourism and expanding international cooperation, is crucial.

Conclusions

The present study developed a methodical approach to evaluating variants for a strategic approach to the functioning of tourism enterprises in the context of hyper-dynamism. The focus was on environmental, economic, and legal aspects. Therefore, according to the BOCR modelling methodology, each criterion included an environmental, economic, and legal factor, respectively. It was proved that due to the increasing dynamism of the external environment, only an adaptive strategy can ensure the effective functioning of a tourism enterprise. As a result, it was found that the dynamic form of adaptive strategy is the best in the context of the current functioning of tourism enterprises. The modelling

provided the necessary information basis for strategic planning in the system of ensuring the ecological, economic, and legal security of a tourism enterprise in the context of a hyper-dynamic environment.

The proposed methodological approach to evaluating strategies has practical application for the management of tourism enterprises and other stakeholders in the tourism industry. The proposed strategy, focused on dynamic adaptability and intensification of domestic tourism with the simultaneous expansion of international cooperation, is aimed at counteracting external challenges and changes, specifically in the context of increased hyper-dynamism and instability. This approach helps to strengthen the legal framework for protecting the interests of tourism companies, optimise their compliance with legal requirements and, as a result, improve the overall legal security in the sector. The legal aspect of the study focused on the study and adaptation to the legal requirements that affect the activities of tourism enterprises in changing environmental

conditions. In case of tourism enterprises, it is particularly important to understand and implement legal regulations relating to consumer protection, service safety, labour regulation, and environmental protection.

However, the present study had its limitations, since the environmental and economic aspect of the issue is extremely broad and involves many more features than were covered in the study, which should be considered in future research. Therewith, only two strategies were proposed for comparison, which resulted in a narrow range of variables. Future research in this area should focus on the tactical level of functioning of enterprises within the framework of an adaptive strategy.

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Conflict of interest

The authors of this study declare no conflict of interest.

References

- [1] Alazzam, F.A.F., Aldrou, K.K.A.R., Berezivskyy, Z., Zaverbnyj, A., & Borutska, Y. (2023a). State management of the system of rational environmental use in the context of commercial development of the bioeconomy: Ecological aspect. *International Journal of Environmental Impacts*, 6(4), 155-163. doi: 10.18280/ijei.060401.
- [2] Alazzam, F.A.F., Shakhathreh, H.J.M., Gharaibeh, Z.I.Y., Didiuk, I., & Sylkin, O. (2023b). Developing an information model for E-Commerce platforms: A study on modern socio-economic systems in the context of global digitalization and legal compliance. *Ingénierie des Systèmes d'Information*, 28(4), 969-974. doi: 10.18280/isi.280417.
- [3] Aldao, C., Blasco, D., Poch Espallargas, M., & Rubio, P.S. (2021). Modelling the crisis management and impacts of 21st century disruptive events in tourism: The case of the COVID-19 pandemic. *Tourism Review*, 76(4), 929-941. doi: 10.1108/TR-07-2020-0297.
- [4] Bhuiyan, M.A., Crovella, T., Paiano, A., & Alves, H.A. (2021). Review of research on tourism industry, economic crisis and mitigation process of the loss: Analysis on pre, during and post pandemic situation. *Sustainability*, 13, article number 10314. doi: 10.3390/su131810314.
- [5] Candia, S., Pirlone, F., & Spadaro, I. (2020). Integrating the carrying capacity methodology into tourism strategic plans: A sustainable approach to tourism. *International Journal of Sustainable Development and Planning*, 15(3), 393-401. doi: 10.18280/ijssdp.150317.
- [6] Chengdu Declaration on 'Tourism and the Sustainable Development Goals'. (2017, September). Retrieved from <https://www.e-unwto.org/doi/abs/10.18111/unwtogad.2017.1.g51w645001604506>.
- [7] Chernegha, O., Tkachenko, T., Hladkyi, O., Bilyk, V., & Lositska, T. (2022). Digitalization as a reputation management tool for tourist destination. *Financial and Credit Activity Problems of Theory and Practice*, 1(42), 371-383. doi: 10.55643/fcaptop.1.42.2022.3649.
- [8] Draft Law of Ukraine No. 4162 "On Amendments to the Law of Ukraine "On Tourism" and Some Other Legislative Acts on the Basic Principles of Tourism Development". (2020, September). Retrieved from https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70072.
- [9] Fafurida, F., Daerobi, A., & Riyanto, G. (2022). Implementation model of community based tourism on rural tourism. *International Journal of Sustainable Development and Planning*, 17(2), 507-512. doi: 10.18280/ijssdp.170215.
- [10] Guidance Note of the European Commission on Ethics and Data Protection. (2021, July). Retrieved from https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/horizon/guidance/ethics-and-data-protection_he_en.pdf.
- [11] Hafurova, O., & Holub, S. (2022). Main trends in the development of tourism legislation in Ukraine. *Law. Human. Environment*, 13(4), 7-15. doi: 10.31548/law2022.04.001.
- [12] Ibanescu, B.C., Stoleriu, O.M., Munteanu, A., & Iașu, C. (2018). The impact of tourism on sustainable development of rural areas: Evidence from Romania. *Sustainability*, 10(10), article number 3529. doi: 10.3390/su10103529.
- [13] Kozak, Y., Derkach, T., & Huz, D. (2019). Forming the strategy of integrated development of tourism enterprises. *Baltic Journal of Economic Studies*, 5(4), 105-115. doi: 10.30525/2256-0742/2019-5-4-105-115.
- [14] Kryshtanovych, S., Kindzer, B., Goryn, M., Kravchenko, A., & Frunza, S. (2020). Management of socio-economic development of tourism enterprises. *Business: Theory and Practice*, 21(1), 420-426. doi: 10.3846/btp.2020.12162.
- [15] Lagodiienko, V., Sarkisian, H., Dobrianska, N., Krupitsa, I., Bairachna, O., & Shepeleva, O. (2022). Green tourism as a component of sustainable development of the region. *Management Theory and Studies for Rural Business and Infrastructure Development*, 44(3), 254-262. doi: 10.15544/mts.2022.26.
- [16] Law of Ukraine No. 2469-VIII "On National Security of Ukraine". (2018, June). Retrieved from <https://zakon.rada.gov.ua/laws/show/2469-19#n355>.
- [17] Law of Ukraine No. 324/95-BP "On Tourism". (1995, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/324/95-%D0%B2%D1%80#Text>.

- [18] Law of Ukraine No. 389-VIII “On the Legal Regime of Martial Law”. (2015, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/389-19#Text>.
- [19] Popek Biškupec, P., Herman, S., & Ružić, I. (2022). The macroprudential measures for mitigating the effects of the pandemic crisis in tourism economies. *Business, Management and Economics Engineering*, 20(1), 79-95. doi: 10.3846/bmee.2022.15738.
- [20] Resolution of the Cabinet of Ministers of Ukraine No. 1106 “On the Implementation of the Association Agreement between the European Union and its Member States, of the One Part, and Ukraine, of the Other Part”. (2017, October). Retrieved from <https://zakon.rada.gov.ua/laws/show/1106-2017-%D0%BF#Text>.
- [21] Resolution of the Cabinet of Ministers of Ukraine No. 168-r “On Approval of the Strategy for the Development of Tourism and Resorts for the Period up to 2026”. (2017, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/168-2017-%D1%80#Text>.
- [22] Resolution of the Cabinet of Ministers of Ukraine No. 211 “On Prevention of the Spread of Acute Respiratory Disease COVID-19 Caused by the Coronavirus SARS-CoV-2 in Ukraine”. (2020, March). Retrieved from <https://zakon.rada.gov.ua/laws/show/211-2020-%D0%BF#Text>.
- [23] Rushchyshyn, N., Medynska, T., Nikonenko, U., Kostak, Z., & Ivanova, R. (2021). Regulatory and legal component in ensuring state’s financial security. *Business: Theory and Practice*, 22(2), 232-240. doi: 10.3846/btp.2021.13580.
- [24] Schuhbauer, S., & Hausmann, A. (2022). The tourist use of information and communication technologies in cultural institutions in rural areas: An interview-based resource-theoretical investigation. *Journal of Tourism Studies, De Gruyter Oldenbourg*, 14(2), 134-163. doi: 10.1515/tw-2022-0006.
- [25] Shakhathreh, H.J.M. (2024). Impact of external environmental factors on sustainable commercial development in the Jordan: The case of legal aspect of the eco-business. *International Journal of Environmental Impacts*, 7(1), 93-100. doi: 10.18280/ije.070111.
- [26] State Statistics Service of Ukraine. (2023). Retrieved from <https://www.ukrstat.gov.ua/>.
- [27] Svatiuk, O., Popadynets, N., Leshko, K., Malska, M., Popovych, D., Petyk, L., Palasevych, M., & Myronov, Y. (2023). Management of the rural tourism cluster based on cash flows’ economic-mathematical mode. *Management Theory and Studies for Rural Business and Infrastructure Development*, 45(1), 56-66. doi: 10.15544/mts.2023.07.
- [28] Sylkin, O., Krupa, O., Borutska, Y., Todoshchuk, A., & Zhurba, I. (2023). Exploring the impact of international tourism on regional sustainable development: A methodological approach for enhancing effectiveness. *International Journal of Sustainable Development and Planning*, 18(7), 2089-2096. doi: 10.18280/ijstdp.180711.
- [29] Vovchak, O., Kulyniak, I., Halkiv, L., Savitska, O., & Bondarenko, Y. (2022). Modeling the impact of the covid-19 pandemic on the financial and economic activities of entities in the tourist services market. *Financial and Credit Activity Problems of Theory and Practice*, 1(42), 250-258. doi: 10.55643/fcaptop.1.42.2022.3717.
- [30] Yang, Y., Zhang, H., & Chen, X. (2020). Coronavirus pandemic and tourism: Dynamic stochastic general equilibrium modeling of infectious disease outbreak. *Annals of Tourism Research*, 83, article number 102913. doi: 10.1016/j.annals.2020.102913.

Сучасні еколого-економічні та правові виклики діяльності туристичних підприємств

Галина Леськів

Кандидат технічних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
<https://orcid.org/0000-0002-4900-9466>

Микита Пантелєєв

Аспірант
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
<https://orcid.org/0000-0002-3305-8634>

Назарій Лесик

Аспірант
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
<https://orcid.org/0000-0001-8116-5373>

Наталія Блага

Кандидат економічних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
<https://orcid.org/0000-0001-9433-9459>

Анотація. Вибір оптимальної стратегії функціонування туристичного підприємства є вагомим фактором, який впливає на його безпеку та розвиток. Такого роду вибір залежить від значної кількості змінних, в тому числі й від еколого-економічних й правових викликів, які посилюються внаслідок гіпердинамічності зовнішнього середовища. Метою статті було розроблення методичного підходу до оцінювання стратегій функціонування туристичного підприємства. Ключовими методами дослідження стали метод експертного аналізу, завдяки якому було встановлено значення впливу тих чи інших викликів, метод BOCR який становив основу для моделювання. В ході дослідження створено модель оцінювання запропонованих двох варіантів стратегії функціонування туристичного підприємства за чотирма критеріями BOCR: позитивні наслідки, витрати, можливості та ризики еколого-економічного та правового характеру. Таким чином вдалось створити базис для побудови інформаційної основи щодо розроблення й впровадження оптимальної стратегії, яка задовільнить усі еколого-економічні та правові потреби сучасного туристичного. З'ясовано, що воєнний стан в Україні зумовлює посилення динамічності зовнішнього середовища при якому адаптивний підхід дозволяє безпечно функціонувати таким відкритим соціально-економічним системам як сучасні туристичні підприємства. В ході дослідження було виокремлено, що найбільш оптимальною стратегією станом на 2024 рік для туристичних підприємств є динамічна адаптивна, яка передбачає активні дії та направлення власних ресурсів на розвиток внутрішнього туризму із розширенням міжнародної корпоративної співпраці та партнерства. Охарактеризовано як запропонована стратегія функціонування впливає на забезпечення правової безпеки туристичних підприємств. Практична цінність й значущість отриманих результатів полягає в тому, що запропонований методичний підхід до оцінювання стратегій функціонування туристичного підприємства може бути використаний суб'єктами як економічної, так й правової безпеки, до яких належать керівництво самих підприємств та особи, які приймають управлінські рішення в галузі забезпечення їх безпеки

Ключові слова: вибір стратегії; динамічність зовнішнього середовища; еколого-економічні аспекти; воєнний стан; проєктний менеджмент; правова безпека