VISEGRAD JOURNAL
ON HUMAN RIGHTS

No 4, 2025

VISEGRAD JOURNAL ON HUMAN RIGHTS
№ 4, 2025

Editorial board

Indexed in: «Index Copernicus International» (Poland);
Directory Indexing of International Research Journals (CiteFactor, USA); «Academic Resource Index» (ResearchBib, Japan);
«Polska Bibliografia Naukova» (PBN, Poland); «Directory of Research Journals Indexing» (DRJI, India)

www.vjhr-journal.sk **ISSN 1339-7915**

Publisher:

Uzhhorod National University
Faculty of Law Kapituľna,
26 Uzhhorod

Public organization
„LEX PRO OMNES”
Mierová, 2529 Humenné

Public organization „Association of International Educational and Scientific Cooperation”
Kapituľna, 26 Uzhhorod

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ANALYSIS OF THE IMPLEMENTATION OF E-AUDIT (SAF-T) AND «E-EXCISE» AS TOOLS FOR THE DIGITAL TRANSFORMATION OF TAX ADMINISTRATION WITHIN THE FRAMEWORK OF UKRAINE'S NATIONAL REVENUE STRATEGY

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DOI: https://doi.org/10.61345/1339-7915.2025.4.1

Annotation. The article provides a comprehensive analysis of the key tools for the digital transformation of tax administration in Ukraine, as defined by the National Revenue Strategy (NRS). It has been proven that two priority reforms - the introduction of electronic auditing (E-Audit) based on the SAF-T standard and the launch of the «E-Excise» electronic traceability system - are not just technical updates, but a fundamental change in the philosophy of tax control. This change is dictated by the need to ensure fiscal stability in the context of martial law and European integration. The mechanism of the SAF-T standard is analysed, which, through a standardised XML file, provides tax authorities with full access to taxpayer records, ensuring a transition from repressive audits to automated risk management. The architecture of the «E-Excise» system, which replaces paper stamps with Track&Trace technology using DataMatrix codes, combining state control with public monitoring through the Diia app, is examined in detail. It is concluded that the introduction of these tools is aimed at minimising the human factor and de-shadowing the economy. At the same time, attention is drawn to the challenges of implementation, in particular the high technical complexity for businesses and the expected resistance from beneficiaries of shadow schemes.

Key words: National Revenue Strategy (NRS), electronic audit, SAF-T, «E-Excise», tax administration, digitalization.

1. Introduction.

In the context of full-scale war and the urgent need for European integration, ensuring the fiscal stability of the state is becoming a key issue of national security. On the one hand, Ukraine has faced an extreme increase in defence spending, and on the other, it has had to adapt its legislation to EU standards and meet the strict requirements of international partners, in particular the IMF. In this context, the high level of the shadow economy and the inefficiency of existing tax control mechanisms have become an unacceptable luxury. The relevance of the research topic is determined by the adoption at the end of 2023 of the National Revenue Strategy for 2024-2030 (NRS), which proclaimed a fundamental change in the philosophy of administration.

2. Analysis of scientific publications.

The topic of digital transformation of tax administration in Ukraine is new, so its coverage in academic literature is still developing. This is largely due to the fact that key regulatory acts (regarding SAF-T and «E-Excise») are in the final stages of adoption and approval, and the full practical implementation of the system has not yet begun. Scientific works on this topic are still rare. Accordingly, the source base for this work consists primarily of primary sources: the text of the National Revenue Strategy [1, 2], the provisions of the Tax Code of Ukraine [3], relevant resolutions of the Cabinet of Ministers [13,

15], and orders of the Ministry of Finance [7, 8], as well as current press releases from the State Tax Service of Ukraine [10, 14] and analytical materials from professional publications.

3. The aim of the work.

Comprehensive analysis of key digital transformation tools for tax administration (SAF-T electronic audit and «E-Excise» system) identified in the National Revenue Strategy, and assessment of their potential impact on reducing the shadow economy and increasing the state's fiscal capacity.

4. Review and discussion.

At the end of 2023, the Cabinet of Ministers of Ukraine approved the National Revenue Strategy for 2024-2030 (hereinafter referred to as the NRS), which became a framework document for fundamental reform of the country's tax and customs systems [1, 2]. The NIS proclaims a change in the philosophy of tax control, moving from a «repressive» approach based on the «human factor» and corruption risks to an analytical one based on risk-oriented systems and digitalisation. To achieve these goals, the Strategy identifies two priority digital areas that are the subject of this study: tax audit reform through the introduction of electronic auditing (SAF-T) and excise administration reform, which involves the creation of the «E-Excise» system.

Let us consider the first direction of this transformation in more detail: the introduction of E-Audit. It is important to distinguish it from the current desk audit. According to Article 76 of the Tax Code of Ukraine [3], a desk audit is primarily a check on the timeliness of reporting and tax payments, as well as an arithmetic and logical check of the data in declarations, which are compared only with individual registers (such as the Unified Register of Taxpayers and the Unified Register of Taxpayers). E-Audit based on SAF-T is fundamentally different, a much deeper level of control. In the future, with the introduction of the new CRM system of the State Tax Service of Ukraine (hereinafter referred to as the STS), the basic functions of the current desk audit (arithmetic, timeliness) are expected to be performed automatically at the time of reporting. Instead, SAF-T will become a tool for in-depth analysis of the legality of economic activities and identification of risks, which is the basis for the functioning of an automated tax risk management system.

The National Revenue Strategy aims to replace this limited approach with a comprehensive electronic audit based on the OECD's SAF-T (Standard Audit File for Tax) standard. SAF-T is an international standard for the electronic exchange of accounting data between companies and tax authorities. It is a standardised XML file containing complete information about all business transactions from the taxpayer's accounting system (ledger, counterparty data, accounts, payments, inventories) [4]. The mechanism of its operation is that companies are required to generate this file at the request of the tax authority (or, in the future, periodically). The tax authority, in turn, downloads it into its own software and conducts an automated risk analysis, essentially a «virtual audit» of the entire accounting system, without leaving the office. The implementation of SAF-T in Ukraine has already begun, facilitated by the established regulatory framework. It is based on the Tax Code of Ukraine (in particular, paragraph 85.2 of Article 85) [3], the Law «On Electronic Documents and Electronic Document Management» [5], and a number of subordinate acts. The Ministry of Finance of Ukraine has already provided explanations regarding the structure, technical description, and features of SAF-UA [6]. The key milestones in its implementation were Order No. 1393 of the Ministry of Finance of Ukraine «On Approval of the Procedure for Submitting Documents of Large Taxpayers in Electronic Form» [7] and amendments thereto (Order No.561 of the Ministry of Finance of Ukraine) [8]. Although the NSD and regulatory acts established initial stages (in particular, 1 January 2025 for large taxpayers), in practice, the State Tax Service of Ukraine is lagging behind these deadlines. The expected date for the actual use of SAF-UA during documentary audits is 1 January 2026, with the obligation subsequently extending to all VAT payers from 1 January 2027 [9].

The SAF-T UA file is not just a report, but a complete «mirror» of accounting, including detailed blocks of information. It covers data on counterparties (a complete list of buyers and suppliers with details), a detailed nomenclature of goods and services, information on sales and purchases (volumes, dates, amounts, links to primary documents), as well as cash flow: cash and non-cash payments, bank statements. In addition, the file contains data on fixed asset accounting (depreciation, receipts,

write-offs), a complete general ledger, data on tax differences, and details of each transaction linked to accounts [9].

It is important to understand that SAF-T is not so much a verification system as a standardised mandatory reporting file and a key source of data for a new, significantly more complex tax control architecture. As stated in the NSD, the fundamental change in administration will be the introduction of an integrated CRM system. Based on this CRM system, a unified Automatic Tax Risk Management System will be developed in the future. This system will accumulate and analysis data from all available sources (including BigData, cash register data, customs data), and SAF-T will become a tool for the most in-depth analysis of economic activity. The logic of control will change: for all taxpayers who are required to submit SAF-T, the system will automatically generate risk levels (high, medium, low). High-risk taxpayers will be selected for documentary checks, while others will be provided with advice on how to correct errors independently. Thus, the inspector will not select the taxpayer manually, but will respond to signals from the automated system. This is a transition from «post-audit» to data analysis in near real time, which will require absolute transparency and accuracy of accounting «at the entrance» from businesses.

Despite the actual delay in implementation schedules, the State Tax Service of Ukraine is already conducting an active information campaign to promote the reform. In particular, a press release dated 4 September 2025 [10] announced the potential benefits of the SAF-T UA file that are expected from its future use. These include significant efficiency gains (replacement of paper documents with digital analysis), complete tracking of the chain of operations, and a stronger analytical focus in the work of inspectors. At present, this demonstrates the expectations of the reform rather than its actual practical status.

The second key area of digital reform of the State Tax Service, alongside auditing, is bringing the market for excise goods under control. According to analytical studies, budget losses from illegal trade in tobacco products alone amount to tens of billions of hryvnia per year [11]. Accordingly, the National Revenue Strategy itself identifies the de-shadowing of excisable goods as one of the priorities for filling the budget, pointing to the inefficiency of the current paper excise stamp system. The outdated paper stamp, which is easy to counterfeit, is being replaced by a comprehensive electronic traceability system called Track&Trace, known as «E-Excise». It is not just a «digital stamp», but an entire infrastructure that combines several components. The basis is an electronic excise stamp - a unique QR code that is applied to each unit of goods (a pack of cigarettes, a bottle of alcohol). This stamp is registered in a special Track&Trace database, where the manufacturer or importer enters data about it. This allows the system to provide full traceability, enabling the tracking of all movements of goods from the production line or border to the cash register in the store. Public control also plays a key role: every consumer can use the Diya app to scan the QR code and instantly check the legality of the goods [12].

The practical mechanism for implementing this system was the «Procedure for labelling alcoholic beverages, tobacco products and liquids used in electronic cigarettes» approved by the relevant Resolution of the Cabinet of Ministers of Ukraine [13]. According to this document, Ukraine is introducing the labelling of excisable goods under new rules. The key provisions of the Resolution stipulate that instead of paper, a graphic element of an electronic mark will be introduced, consisting of a DataMatrix code and symbols that can be read by humans. This mark will be applied to each individual pack, bottle or container of liquid for electronic cigarettes, and economic operators (manufacturers in Ukraine or importers prior to import/at customs warehouses) will be responsible for applying it. The procedure sets out clear protection requirements: the mark must be applied in such a way that it cannot be replaced or reused without damage. Integration with the EU is also envisaged, where unique identifiers applied to products from EU countries must ensure their identification in the Ukrainian electronic circulation system. For the population, the mark may contain information on how to scan it, which will allow consumers to verify the legality of products (for example, through the «Diia» app). This resolution replaces the outdated Regulation (adopted by the CMU Resolution in 2010), which will expire on 1 January 2026 (with certain transitional provisions until 1 September 2026) [14, 15].

Thus, it becomes clear that the E-Excise system is one of the most priority and technically complex reforms laid down in the National Revenue Strategy. The NRS and the government are counting on this reform to achieve rapid and large-scale results. The main goal is, of course, to de-shadow the

market, as the automatic Track&Trace system, integrated with the cash register, makes the sale of counterfeit or «grey» products through legal networks almost impossible. This, in turn, should ensure full payment of excise duty on each unit of goods and bring tens of billions of hryvnias in additional revenue to the budget. In addition to the direct fiscal effect, the reform also has an important social function: public control through DataMatrix code scanning gives consumers a guarantee that they are buying a legal and safe product.

At the same time, the implementation of such a complex system poses significant challenges. First of all, there is technical complexity, as the reform requires every manufacturer and importer to install expensive marking equipment (DataMatrix applicators) on their production lines. In addition, it requires updating the software on all cash registers (PROs) in the country to correctly 'redeem' the marks. In addition to technical challenges, there is also political resistance: this reform directly affects the excessive profits of the «shadow» sector, so significant resistance is expected from illegal manufacturers and distributors, which may manifest itself in attempts to sabotage or delay the launch of the system. Finally, there remains the challenge of administering the transition period. Despite the initial launch date of 1 January 2026, the timeline has been revised. Given the exceptional technical complexity of the project and the need to establish cooperation between government agencies and businesses, the full launch is now expected to be postponed until 1 November 2026. This, in turn, will require coordinated work between the State Tax Service of Ukraine and businesses to avoid market collapse when the old paper stamps are still in circulation and the new electronic ones are already being introduced.

5. Conclusions.

The study proves that the National Revenue Strategy approved at the end of 2023 marks an irreversible transition from the outdated 'repressive' model of tax control to a transparent, analytical system that meets OECD standards. This transformation is based on two main technological pillars: the introduction of SAF-T electronic auditing and the launch of the «E-Excise» electronic traceability system for excise goods. An analysis of the SAF-T tool, which will become mandatory in 2025, has established that it is a tool for 'total transparency' in accounting. Its regulatory framework and the active information campaign conducted by the State Tax Service of Ukraine confirm that it shifts the focus of control from paper-based «post-audit» to big data analysis in near real time, which requires businesses to maintain absolutely accurate records. An analysis of the «E-Excise» system has shown that it is a direct technological tool for combating the shadow economy. By replacing archaic paper stamps with secure DataMatrix codes and the Track&Trace system, it creates a mechanism for full-cycle traceability of goods (from the manufacturer to the consumer's cash register), which makes illegal circulation impossible. Assessing the potential impact of both reforms, it can be argued that they have direct potential to combat the shadow economy and strengthen the fiscal capacity of the state. However, their success is not guaranteed and depends directly on overcoming significant challenges: the high technical complexity of implementation for businesses and the expected strong political resistance from beneficiaries of shadow schemes. Thus, the successful implementation of these two digital initiatives will be an indicator of the state's ability to carry out profound transformations and ensure fiscal stability in wartime.

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STATE OF SCIENTIFIC RESEARCH ON THE ADMINISTRATIVE AND LEGAL REGULATION OF OSINT FUNCTIONING IN ENSURING PUBLIC ORDER AND SECURITY IN THE WORKS OF FOREIGN SCHOLARS: LESSONS FOR UKRAINE

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DOI: https://doi.org/10.61345/1339-7915.2025.4.2

Annotation. The article provides a comprehensive analysis of scientific research devoted to the administrative and legal regulation of OSINT functioning in the field of public order and security. It examines the approaches of foreign scholars who study the use of open-source information, the impact of digital technologies on law enforcement activities, and the ethical, legal, and procedural challenges associated with OSINT operations conducted by public authorities. The findings show that researchers emphasize the need for professional standards, digital competencies, reliable methodologies, and effective procedures for assessing the accuracy of open-source data. Particular attention is given to issues of privacy protection, risks of profiling, transparency of OSINT practices, and the growing influence of artificial intelligence on intelligence-gathering processes. It is argued that AI-based OSINT strengthens analytical capabilities but also intensifies legal risks, which requires harmonized international standards and robust oversight mechanisms. The study notes that Ukrainian legal scholarship lacks comprehensive research on the administrative and legal foundations of OSINT, which highlights the relevance and scientific novelty of further studies in this area. Based on the analysis of foreign literature, the article formulates recommendations for the development of Ukrainian doctrine, including the definition of OSINT actors, procedural requirements for their work, ethical principles, privacy guarantees, and models of independent oversight in the field of public order and security.

Key words: OSINT, public security, public order, administrative regulation, open-source information, ethics, artificial intelligence, privacy, law enforcement.

1. Introduction.

The need to study the administrative and legal regulation of OSINT use in ensuring public order and security is driven by the growing importance of open-source information in the activities of state authorities. Contemporary security challenges–such as information operations, coordination of unlawful actions through open networks, the spread of extremist content, and digital threats–require public authorities to rapidly obtain and verify data from accessible sources. However, the scale of such use has surpassed existing regulatory frameworks, creating a range of practical and theoretical problems.

First, active engagement with open sources requires clearly defined limits for officials, since even publicly available information can affect an individual's private life. The absence of established procedures for collecting, analysing, and applying such data in the work of law enforcement bodies creates risks for personal rights and calls into question the integrity and transparency of authorised units. This highlights the need to clarify the requirements for OSINT use, establish clear criteria of admissibility, and introduce safeguards for the protection of individuals.

Second, there is a significant gap between practice and regulation. State bodies increasingly employ open-source intelligence methods, yet do so without unified standards, through diverse approaches, and without harmonised procedures. This hinders institutional cooperation, causes duplication of functions or, conversely, gaps in operational activity, and raises concerns about proper oversight of OSINT-derived results. Unified approaches and clear rules are essential for strengthening effectiveness and ensuring accountability.

Third, the modernisation of public order and security systems further reinforces the relevance of OSINT. The use of open-source data enables timely identification of threats, forecasting of hazardous situations, and prevention of offences. However, these advantages can be realised only if supported by legal certainty, standardised procedures, and proper oversight of the actions of responsible authorities.

Therefore, the chosen topic possesses clear scientific and practical significance and requires systematic and comprehensive research.

2. Analysis of scientific publications.

Issues related to the functioning of OSINT in the field of public order and security have already attracted considerable attention from foreign scholars, who examine both the theoretical foundations and the practical challenges of using open-source information in the activities of public authorities. Various dimensions of open-source intelligence–its role in contemporary security models, organisational and procedural principles of its application, ethical and human-rights limitations, as well as the impact of digital technologies and artificial intelligence on OSINT practices–have been explored, in particular, by O. Larsen, D. Van Puyvelde, E. Millett, H. Bean, Q. Eijkman, L. Fereidooni, A. Mahmood, A. Asnawi, N. Soni and others. Their works form an essential theoretical basis for understanding the role of OSINT within law enforcement and other bodies responsible for maintaining public safety and order. In contrast, Ukrainian administrative-legal scholarship lacks comprehensive research specifically devoted to the regulation of OSINT functioning in the sphere of public order and security, which underscores the need for focused and systematic academic study of this topic.

3. The purpose of the work.

The purpose of this scientific study is to examine the achievements of foreign legal scholarship, to summarise the prevailing academic views, and to develop a coherent theoretical and practical foundation for defining the administrative and legal principles of OSINT functioning in the sphere of ensuring public order and security in Ukraine.

4. Review and discussion.

In contemporary academic literature, there is a marked increase in attention to the study of the possibilities and consequences of using open-source information in the activities of bodies responsible for maintaining public order and security. Foreign and Ukrainian scholars examine both the theoretical foundations of OSINT and the practical models of its application in the work of law enforcement agencies and institutions within the security and defence sector.

In research on the administrative and legal regulation of OSINT functioning in the sphere of ensuring public order and security, it is particularly important to comprehensively analyse the works of both foreign and national scholars. This need stems from the fact that OSINT has developed as a global phenomenon, and its regulatory frameworks differ across states. Such diversity makes it possible to identify common trends, discrepancies, and gaps in legal regulation, as well as to take into account the positive experiences of other countries for the development of OSINT practices in Ukraine. This scholarly approach allows for a holistic understanding of the formation and application of OSINT in the activities of public authorities and enables an assessment of how researchers interpret its role in safeguarding public security and order, as well as the extent of state involvement in these processes.

It is important to analyse studies that explore OSINT in a broad sense–as a technological, informational, and organisational tool that enhances the capacity of the state to counter threats to public order and security. Such research makes it possible to identify general patterns of open-source information use and to outline the characteristics of OSINT that directly influence its application by public authorities.

Separate attention should be devoted to scholarly works examining OSINT within the context of law enforcement, as this sector most actively integrates open-source capabilities into practices aimed at preventing, detecting, and responding to threats to public security and order. The analysis of such works helps determine how OSINT transforms state response mechanisms, what advantages and risks arise in its use, and what administrative and legal implications it generates for relevant actors.

Equally important are the contributions of authors who study the ethical requirements for OSINT use and the activities of actors working with open information. This includes examining administrative procedures, limits of permissible interference with private life, transparency of officials' actions, and the necessity of establishing rules to prevent abuses. Considerable attention is also paid to issues of liability for violations of established requirements, as this is essential for maintaining a balance between security needs and human rights protection.

A systematic review of academic sources helps determine how scholars define the role of OSINT in the work of public authorities, what risks they identify, what proposals they make regarding requirements for actors engaged in open-source data collection and analysis, and how they describe mechanisms for responding to violations. Thus, the coverage of diverse scholarly sources–from technological features of OSINT to ethical and legal principles of its application–creates a coherent foundation for the further theoretical and regulatory comprehension of OSINT in the field of public order and security.

Among foreign researchers, a significant contribution was made by O. Larsen, who conducted an empirical study of the use of open-source information by law enforcement agencies and demonstrated that the effectiveness of OSINT operations depends directly on personnel training and procedural clarity [1]. The author emphasises that the absence of established methodologies complicates data interpretation and decreases the reliability of operational conclusions. Many organisations face barriers in implementing effective OSINT methods and fail to adapt quickly to technological changes. Larsen highlights the need to shift the professional culture from long-term training to practical investigation activity to enhance the status and full utilisation of OSINT tools [1].

An important contribution was also made by D. Van Puyvelde, who traced the evolution of OSINT and emphasised the changing nature of threats in the digital environment [2]. The author argues that open-source information has become a full-fledged intelligence tool but requires proper regulation due to risks associated with the large volume of personal data users voluntarily publish online. Van Puyvelde's work is structured around four themes: the definition of OSINT and its distinction from investigations and general open-source information; the expanding use of OSINT by governmental, non-governmental, and law enforcement bodies; the need for digital literacy training instead of creating new organisations; and key OSINT challenges such as information overload, reliability, ethics, and regulatory limits [2].

In the work of E. Millett, attention is given to the relationship between OSINT and human rights, particularly privacy and data protection [3]. The study analyses conditions under which the use of open information by state authorities may violate international standards and stresses the need for clearly defined limits for such activities.

Ethical issues in OSINT use are also highlighted by other foreign scholars [4]. For example, H. Bean emphasises that collecting and processing publicly available information creates tension between state security needs and human rights guarantees. Mass aggregation and profiling of open data may affect privacy and personal autonomy even when the information is formally public [5].

In her study, Quirine Eijkman notes that state-level OSINT use generates new risks for citizens' privacy, as individuals may be unaware that their online activity becomes an object of systematic monitoring [6]. Existing accountability mechanisms were designed for traditional intelligence methods and are poorly suited to the realities of digital platforms. Eijkman concludes that the state's role in regulating OSINT must be reconsidered, highlighting the need for transparency rules, independent oversight, and effective remedies for individuals subject to open-source monitoring [6].

L. Fereidooni identifies several important conclusions regarding the use of OSINT in international law enforcement cooperation [7]. OSINT enables rapid acquisition of data significant for combating transnational crime and enhances cooperation in areas such as money laundering, terrorism financing, and cybercrime. However, the use of open data raises legal and ethical challenges, particularly due to data protection requirements such as those under the GDPR and unresolved issues regarding the admissibility of OSINT-derived evidence in court. Fereidooni also notes that technological progress, including artificial intelligence and big-data analytics, increases OSINT capabilities but requires internationally harmonised rules that balance security needs with human rights [7].

Research on OSINT application in policing has been conducted by A. Mahmood, A. Asnawi and their colleagues, who performed a systematic review of OSINT tools and assessed their suitability for various types of operational activity [8]. Scholars stress the absence of universal OSINT tools and call for the development of unified standards for their formal application.

In recent years, foreign authors have also paid considerable attention to the integration of artificial intelligence into OSINT activities [9; 10]. For example, Nitin Soni's study on AI-driven OSINT for cybercrime investigations demonstrates that combining AI with open-source intelligence significantly enhances forensic accuracy, speed, and proactivity, although such technologies also pose ethical, legal, and organisational challenges [11].

A synthesis of foreign research shows that OSINT plays an important role in modern security systems, yet its effectiveness depends on personnel qualification, unified procedures, and digital competence. Scholars emphasise risks associated with methodological gaps, data overload, and potential violations of privacy and autonomy through large-scale data collection and profiling. They argue for the establishment of transparent rules, independent oversight, complaint mechanisms, and internationally consistent standards that align security objectives with human rights protection.

5. Conclusions.

Summarising the above, the following conclusions can be drawn. First, it is advisable to conduct comprehensive research aimed at defining the administrative and legal status of actors who apply OSINT in the field of public order and security, including their powers, limitations, and operational standards. A separate research direction should focus on issues of professional training, digital literacy, and procedural requirements for the collection, analysis, and use of open-source information, including the algorithmisation of OSINT procedures in the internal regulations of the Ministry of Internal Affairs, the National Police, the State Bureau of Investigation, and other competent bodies.

Second, there is a need to develop a scientific approach to establishing administrative and legal safeguards for privacy protection when using OSINT, including cases involving elements of artificial intelligence. Promising avenues of research include models of transparency, independent oversight, documentation of OSINT operations, and procedures for appealing decisions made by public authorities, as well as the adaptation of European standards (such as GDPR-based approaches) to Ukrainian legislation in the sphere of public order and security.

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LEGAL HARMONISATION OF UKRAINE WITH EUROPEAN UNION LAW: INSTITUTIONAL AND NORMATIVE ANALYSIS OF THE IMPLEMENTATION OF 33 CHAPTERS OF THE ACQUIS COMMUNAUTAIRE

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DOI: https://doi.org/10.61345/1339-7915.2025.4.3

Annotation. In the context of Ukraine obtaining candidate status for membership in the European Union, the legal harmonisation of national legislation with the acquis communautaire has become particularly relevant. Given the institutional challenges, martial law, and complex geopolitical conditions, a comprehensive analysis of Ukraine's progress in fulfilling its legal obligations within the framework of European integration is essential. Special attention is paid to both normative reforms and the actual steps toward legal implementation of EU standards across all 33 technical chapters of the acquis.

The purpose of the article is to conduct a systemic institutional and normative analysis of Ukraine's implementation of the acquis communautaire based on the European Commission's reports for 2023 and 2024, with a focus on legal adaptation mechanisms, institutional transformations, and the substantive dimension of legal approximation to EU law.

The research uses a comparative legal method, which made it possible to compare the state of acquis implementation over two consecutive periods. In addition, a normative-analytical approach was applied to assess the content of legislative changes in Ukraine and their compliance with the core requirements of EU law. The novelty of the study lies in its integrated legal analysis not only of the content of national reforms but also of the dynamics of institutional capacity-building for acquis implementation.

The study found that the most significant progress was achieved in the fields of public procurement, energy, competition, justice, customs policy, and common security policy. In many cases, the implementation of EU law has taken place not only at the legislative level but also through subordinate regulations, administrative instructions, and the establishment of specialised bodies. Meanwhile, such areas as the free movement of workers and capital, and regional policy demonstrate slower harmonisation due to legal and institutional barriers. The analysis confirms that Ukraine has transitioned from political declarations to the legally binding adaptation of the acquis, enhancing its readiness for accession negotiations.

In conclusion, the article argues that the success of Ukraine's further legal approximation to the EU depends significantly on its ability to ensure sustainable implementation, effective institutional oversight, and the development of administrative and judicial review mechanisms. It is proposed that legal harmonisation be viewed not merely as a formal accession requirement but as a tool for deep transformation of public governance, rule of law, and the legal state in Ukraine.

Key words: acquis communautaire; legal harmonisation; EU directives implementation; institutional capacity; Ukraine-EU integration; EU law; European Commission evaluation; legal approximation.

1. Introduction.

The European Commission's 2023 and 2024 reports on Ukraine provide a detailed analysis of the country's progress towards accession to the European Union. Both documents have a similar

structure, covering key aspects such as the functioning of democratic institutions, the rule of law, economic criteria and the ability to take on the obligations of membership. However, the 2024 report reflects significant progress compared to the previous year.

2. Analysis of scientific publications.

The issue of the implementation of the acquis communautaire in the context of Ukraine's European integration has been widely reflected in the scientific works of Ukrainian and European researchers. In particular, important conceptual principles of Ukraine's legal approximation to EU law were highlighted in the works of O. Shumylo, I. Kresina, O. Yevteeva, O. Malinovska, as well as in intergovernmental analytical reports of the Center for Political and Legal Reforms and the Institute for Economic Research and Policy Consultations. In foreign literature, the issues of implementing the acquis in candidate countries were considered by B. Mayer, P. Krejci, M. Emerson and other researchers, who emphasized the importance of institutional and legal readiness for the effective application of EU law.

3. The aim of the work

3. The aim of the work is a comprehensive study of the pace, content and legal features of the adaptation of Ukraine's national legislation to the acquis communautaire within the framework of the negotiation process for accession to the European Union. Particular attention is paid to the comparative analysis of data from the annual reports of the European Commission for 2023 and 2024, the assessment of the state's institutional capacity to implement the acquis, the legal compliance of adopted acts with EU law and the identification of areas that demonstrate the highest and lowest dynamics of convergence.

4. Review and discussion.

Despite the large number of general works on the process of European integration, there is a lack of a systematic legal analysis of the specific state of implementation of the acquis in 33 technical chapters based on the annual reports of the European Commission, which determines the scientific novelty of this study.

1. Free movement of goods. In 2023, Ukraine had an initial level of harmonization with EU technical regulations. In 2024, significant progress was observed in the direction of convergence with European standards, in particular through preparations for the conclusion of the ACAA Agreement. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

2. Free movement of workers. As of 2023, Ukraine was only partially compliant with EU standards in the field of worker mobility. In 2024, there was little progress, in particular in the administration of coordination mechanisms. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. Comprehensive legislation at the level of laws and by-laws is required, following the methodology for the transformation of EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

3. Right of establishment and services. The initial level of implementation in 2023 was expanded in 2024 through deregulation initiatives and attempts to adapt regulations to EU directives. In 2024, the focus is on implementing the relevant EU directives, which requires accurate translation of the acquis, adoption of framework laws that comply with EU law, and preparation of a large volume of secondary legislation. In addition, Ukraine needs to ensure the effectiveness of supervision of compliance with the new norms and the formation of administrative capacity to implement policies

in this area. Significant attention is paid to compliance with the principles of the rule of law and the independence of institutions that ensure law enforcement.

4. Free movement of capital. Due to martial law in 2023–2024, currency restrictions remained in place, which hindered progress in this area. Although there is a political will to adapt, reforms are limited by objective factors. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

5. Public procurement. Significant progress in 2023 thanks to the Prozorro system was continued in 2024 - further approximation to EU directives took place, especially in the area of transparency of procedures. In 2024, the main focus is on the implementation of the relevant EU directives, which requires accurate translation of the acquis, adoption of framework laws that comply with EU law, and preparation of a large volume of secondary legislation. In addition, Ukraine needs to ensure the effectiveness of supervision of compliance with new norms and the formation of administrative capacity to implement policies in this area. Significant attention is paid to compliance with the principles of the rule of law and the independence of institutions that ensure law enforcement.

6. Corporate law. In 2023, there was partial compliance with EU standards. In 2024, updated rules on corporate reporting and mergers were adopted. In 2024, the focus is on implementing the relevant EU directives, which requires accurate translation of the acquis, adoption of framework laws that comply with EU law, and preparation of a large volume of secondary legislation. In addition, Ukraine needs to ensure the effectiveness of supervision of compliance with the new norms and the formation of administrative capacity to implement policies in this area. Significant attention is paid to compliance with the principles of the rule of law and the independence of institutions that ensure law enforcement.

7. Intellectual property. In 2023, basic institutional mechanisms were ensured. In 2024, the practical implementation of copyright protection and patenting in accordance with the acquis was improved. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

8. Competition policy. In 2023, only partial alignment with EU legislation was observed. In 2024, the role of the AMCU was strengthened and state aid was improved. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

9. Financial services. In 2023, the sector was only partially compliant with EU requirements. In 2024, the adaptation of financial supervision and banking regulation continues. In 2024, the focus is on implementing the relevant EU directives, which requires accurate translation of the acquis, adoption of framework laws that comply with EU law, and preparation of a large volume of secondary legislation. In addition, Ukraine needs to ensure the effectiveness of supervision of compliance with new norms and the formation of administrative capacity to implement policies in this area. Significant attention is paid to compliance with the principles of the rule of law and the independence of institutions that ensure law enforcement.

10. Digital transformation and media. In 2023, Ukraine took basic steps in digitalization. In 2024, the Law on Media was adopted, which is in line with EU directives. In 2024, the main focus is on the implementation of relevant EU directives, which requires accurate translation of the acquis, adoption of framework laws that comply with EU law, and preparation of a large volume of secondary legislation.

In addition, Ukraine needs to ensure the effectiveness of supervision of compliance with new norms and the formation of administrative capacity to implement policies in this area. Considerable attention is paid to compliance with the principles of the rule of law and the independence of institutions that ensure law enforcement.

11. Agriculture. In 2023, the management system did not yet comply with EU policy. In 2024, adaptation to the requirements of the common agricultural policy began. From a legal point of view, a sufficient regulatory framework has not yet been formed in the area that complies with the acquis communautaire. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

12. Phytosanitary policy. In 2023, the presence of a basic control system was noted. In 2024, import control was improved, in particular for grain products. From a legal point of view, a sufficient regulatory framework has not yet been formed in the area that complies with the acquis communautaire. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

13. Fisheries. The fisheries sector remained at an early stage in 2023. In 2024, the first institutional steps towards approximation with the EU were taken. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for the transformation of EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

14. Transport. In 2023, the Common Aviation Area Agreement was signed. Its implementation, including security requirements, continues in 2024. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. Comprehensive legislation at the level of laws and by-laws is required, following the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

15. Energy. Synchronization with ENTSO-E was carried out in 2023. In 2024, the regulatory framework was strengthened and decarbonization measures were launched. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the sector. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for the transformation of EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

16. Taxation. Reforms have been launched in 2023. Harmonization of excise duty and VAT rates continues in 2024, taking into account preparations for BEPS. In 2024, the focus is on implementing relevant EU directives, which requires accurate translation of the acquis, adoption of framework laws that comply with EU law, and preparation of a large volume of secondary legislation. In addition, Ukraine needs to ensure effective supervision of compliance with new norms and the formation of administrative capacity to implement policies in this area. Significant attention is paid to compliance with the principles of the rule of law and the independence of institutions that ensure law enforcement.

17. Economic policy. In 2023, macrostability was achieved. In 2024, it is maintained thanks to EU support and currency regulation. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

18. Statistics. In 2023, basic statistical bodies were operational. In 2024, methodological integration with Eurostat was strengthened. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

19. Social policy. In 2023, it partially complied with EU requirements. In 2024, new acts in the field of employee protection were adopted. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in this area. It is required to develop comprehensive legislation at the level of laws and by-laws, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

20. Industrial policy. In 2023, there was weak coordination. In 2024, the preparation of a national industrial strategy began. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

21. TEN-T. Integration into the EU transport networks began in 2023. In 2024, the implementation of TEN-T projects in Ukraine continues. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the field. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

22. Regional policy. In 2023, there is no clear strategy for EU-oriented regional development. In 2024, the first analysis of institutional capacity was carried out. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

23. Judicial system. In 2023, the restart of the High Council of Justice and the High Qualification Commission of Judges of Ukraine continued. In 2024, the selection was completed, and the independence of the judiciary was increased. From a legal point of view, a sufficient regulatory framework that complies with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

24. Security and law enforcement. In 2023, harmonization has only just begun. In 2024, cooperation with FRONTEX was strengthened, migration management was improved. In 2024, the main focus is on the implementation of relevant EU directives, which requires accurate translation of the acquis, adoption of framework laws that comply with EU law, and preparation of a large volume of secondary legislation. In addition, Ukraine must ensure the effectiveness of supervision of compliance with new norms and the formation of administrative capacity to implement policies in this area. Significant attention is paid to compliance with the principles of the rule of law and the independence of institutions that ensure law enforcement.

25. Science. In 2023, Ukraine participated in the Horizon Europe program. In 2024, scientific mobility and access to EU infrastructure were expanded. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the field. The

development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

26. Education and culture. Participation in Erasmus+ is ensured in 2023. Recognition of diplomas and cooperation in the field of culture are intensified in 2024. From a legal point of view, a sufficient regulatory framework that complies with the acquis communautaire has not yet been formed in this area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

27. Ecology. Directives partially implemented in 2023. Progress in implementing environmental legislation and climate policy in 2024. In 2024, the focus is on implementing relevant EU directives, which requires accurate translation of the acquis, adoption of framework laws that comply with EU law, and preparation of a large volume of secondary legislation. In addition, Ukraine needs to ensure the effectiveness of supervision of compliance with new norms and the formation of administrative capacity to implement policies in this area. Significant attention is paid to compliance with the principles of the rule of law and the independence of institutions that ensure law enforcement.

28. Consumers and health. In 2023, there was only basic harmonisation. In 2024, acts on consumer protection and product safety were adopted. In 2024, the main focus is on the implementation of relevant EU directives, which requires accurate translation of the acquis, adoption of framework laws that comply with EU law, and preparation of a large volume of secondary legislation. In addition, Ukraine must ensure the effectiveness of supervision of compliance with new norms and the formation of administrative capacity to implement policies in this area. Considerable attention is paid to compliance with the principles of the rule of law and the independence of institutions that ensure law enforcement.

29. Customs Union. In 2023, the process of adapting the Customs Code continued. In 2024, key amendments to the legislation in accordance with the EU were adopted. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

30. External relations. In 2023, the adaptation of foreign trade continued. In 2024, Ukraine fully aligned its positions with the EU trade policy. In 2024, the main focus is on the implementation of relevant EU directives, which requires accurate translation of the acquis, the adoption of framework laws that comply with EU law, and the preparation of a large volume of by-laws. In addition, Ukraine must ensure the effectiveness of supervision over compliance with new norms and the formation of administrative capacity to implement policies in this area. Significant attention is paid to compliance with the principles of the rule of law and the independence of institutions that ensure law enforcement.

31. Common Security Policy. In 2023, Ukraine supported the EU's political statements. In 2024, practical compliance was achieved on sanctions and security. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

32. Financial control. In 2023, basic institutional control was in place. In 2024, external audit and cooperation with OLAF were strengthened. From a legal point of view, a sufficient regulatory framework in line with the acquis communautaire has not yet been formed in the area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

33. Budgetary provisions. In 2023, the need for harmonization was noted. In 2024, Ukraine began preparations for integration into the EU own resources system. From a legal point of view, a sufficient regulatory framework that complies with the acquis communautaire has not yet been formed in this area. The development of comprehensive legislation at the level of laws and by-laws is required, in compliance with the methodology for transforming EU law into the national system. The priority is not only the adoption of acts, but also the creation of implementation procedures, including mechanisms for control, judicial protection of rights and administrative appeal.

5. Conclusions.

Ukraine is at the stage of gradual legal harmonization with the European Union. In 2024, the focus shifted from assessing general compliance to specific legal steps: implementing directives, developing oversight and control mechanisms, and establishing accountable institutions. There remains a need to strengthen the regulatory technique and the effectiveness of the application of EU law within the Ukrainian legal system. The implementation of obligations requires not only legislative activity, but also consistent institutional practice.

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FEATURES OF IMPLEMENTATION OF GENERAL AND SPECIAL GUARANTEES OF CONSTITUTIONAL AND LEGAL STATUS OF CONVICTS: PROBLEMS OF THEORY AND PRACTICE

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DOI: https://doi.org/10.61345/1339-7915.2025.4.4

Annotation. Purpose of the work. The method of this research is a comprehensive study of the implementation of general and special guarantees of constitutional and legal status of convicts in Ukraine. Convicts in Ukraine, as in any other state, are a sufficiently specific category, the implementation of rights and freedoms, which are created in connection with the occurrence of a number of objective and subjective factors. The lack of scientific research that covered a comprehensive approach to all components of the constitutional and legal status of convicts determines the relevance of this study.

Methodological basis of the study. The work uses an analysis of legal and scientific literature, comparative law and systemic approaches to study the guarantees of the constitutional and legal status of convicts. Special attention was paid to the classification of guarantees into general and special, as well as their specific relationship. General guarantees are considered as the basis for the implementation of special, including political, economic, ideological and social aspects, while special guarantees are offered by legal, legal, regulatory and organizational mechanisms, supplemented by international legal and international organizational mechanisms.

Results. The role of general guarantees in creating the initial conditions for ensuring the legal status of convicts, in particular political, ideological and social components, is analyzed. It is established that economic and political guarantees ensure the functioning of the legal system and the implementation of special legal guarantees. It is determined that regulatory, organizational, international legal and international organizational guarantees are interconnected and form a holistic system for ensuring the rights and freedoms of convicts.

Conclusions. Convicts have a full-fledged constitutional and legal status, each element of which requires appropriate guarantees. Guarantees function as a purposeful system, within which a balance is ensured between general and special guarantees. Each group of players guarantees a decisive role in ensuring the implementation of all components of the constitutional and legal status of convicts. A comprehensive approach to their classification and interrelationship creates conditions for effective provision of the rights and freedoms of this category of persons.

Key words: constitutional and legal status, conviction, guarantees, rights and freedoms, legal guarantees, general guarantees, rule of law.

1. Introduction.

Convicts in Ukraine, as in any other state, are a rather specific category, the implementation of whose rights and freedoms is carried out in connection with the occurrence of a number of factors, both objective and subjective. Moreover, there may be much more factors that negatively affect the implementation of the rights and freedoms of convicts than those that concern other categories of persons. All this puts on the agenda the issue of guaranteeing the constitutional and legal status of convicts and increases the relevance of its research. In the scientific literature, one can find an analysis of only the implementation of guarantees regarding only some rights of convicts, but scientific research within the framework of which the issue of a comprehensive approach to all components of the constitutional and legal status of convicts is almost absent. This determines the relevance of the

study of the implementation of both general and special guarantees of the constitutional and legal status of convicts, which are given in this article.

In the context of understanding the guarantees of the constitutional and legal status of convicts, the etymology of the word «guarantee» should be borne in mind, which has its origin from the French language and is revealed through such aspects as «collateral», «safety», «security».

The dictionary of the Ukrainian language states «GUARANTEE, n, f. A pledge in something, security for something. Conditions that ensure the success of something. Diligent sorting of ears of corn on the currents is another guarantee of better storage of grain in state bins (Rad. Ukr., 12.X 1962, 1)» [1].

2. Analysis of scientific publications.

In the legal literature, and primarily in relation to rights and freedoms, the issue of guarantees is given due attention. This issue is paid attention to by such scholars as K.G. Volynka, M.M. Gurenko, I.V. Drobush, O.G. Kushnirenko, A. Matvienko, O.A. Mykhailiuk, O.V. Petryshyn, P.M. Rabinovich, V.O. Seryogin, Y.M. Todyka, M.I. Khavronyuk, L.G. Shuklina and others.

At the same time, the mentioned authors, first of all, paid attention only to constitutional rights and freedoms, almost bypassing other elements of the constitutional and legal status of convicts, and secondly, their attention was concentrated on the general status. At the same time, for example, L.I. Letnyanchyn, emphasized the need to raise the issue of guaranteeing not only rights and freedoms, but also constitutional obligations [2].

In addition, some authors paid attention to guarantees of the constitutional and legal status of special subjects:

– V.Y. Pashinsky, The concept and structure of the constitutional and legal status of military personnel;

– Bukach V., Kaminska N., Medvid L., Institutional guarantees of constitutional political rights and freedoms of man and citizen in Ukraine;

– S.V. Romantsova, Legal guarantees of ensuring the rights, freedoms and legitimate interests of citizens in the institutions of the State Penitentiary Service of Ukraine (2023);

– O.V. Galtsova, The right to judicial protection as a legal guarantee of the rights and freedoms of convicts (2019);

– O.S. Pochanska, Classification of guarantees of the rights of citizens sentenced to imprisonment in Ukraine (2020);

– R. Shai and S. Lupiy, The legal nature of the labor of convicts, its goals, objectives and features of regulation (2023).

And also V.F. Pohorilko, O.F. Frytsky, O.V. Skrypnyuk, O.D. Svyatotsky.

Therefore, based on this, there is still a lack of legal works in the scientific space that would concern the comprehensive guarantee of all components of the constitutional and legal status of convicts.

If we analyze the legal literature, we can conclude that there are the following main approaches to guarantees: they are considered as obligations of the state; objective and subjective factors; conditions, means and methods; a system of legal conditions; means, methods and mechanisms provided for by law; principles and norms; unconditional requirements. It is worth noting that all these instructions separately emphasize only certain aspects of guarantees and each of them does not reflect the entire palette of components of guaranteeing rights, freedoms and obligations.

3. Purpose of the work.

The purpose of this study is a comprehensive study of the implementation of general and special guarantees of the constitutional and legal status of convicts in Ukraine. Convicts in Ukraine, as in

any other state, are a rather specific category, the implementation of whose rights and freedoms is carried out in connection with the occurrence of a number of objective and subjective factors. The lack of scientific research that would cover a comprehensive approach to all components of the constitutional and legal status of convicts determines the relevance of this study.

4. Review and discussion.

Given the specifics of the constitutional and legal status of convicts, the guarantees of this category of persons cannot be separated from those guarantees that concern a person and a citizen in general. That is why we do not agree with L.V. Mikhnevich, who formulated the position that guarantees can be divided into general ones that concern a person and a citizen in general (for example, judicial protection) and special ones that are inherent in the protection of individual persons [3].

After all, it is worth pointing out that judicial protection, which the researcher points to, is the core of the entire system of guaranteeing all categories of subjects, including special ones. Moreover, all the other mechanisms that I am referring to rights and freedoms of a person and a citizen can also be applied to convicts with certain variable features or without them.

It is also worth noting that in legal science a fairly widespread approach has been formulated, which is associated with the division of guarantees into general and special, but not in the context of subjects, but in the aspect of the specialization of the impact of such guarantees. Since the constitutional and legal status of convicts is a legal category and each of their elements is within the scope of law, but at the same time is not and cannot be separated from a wide range of components of a wide range of being, such a division seems quite logical, which includes both general guarantees, political, economic, organizational, ideological and some other aspects, and special ones are purely legal, legal.

General guarantees serve as the basis for the implementation of special guarantees, which in some cases can only correct, clarify, change the focus of such implementation. For example, economic guarantees, which include the appropriate level of economic development and the state budget, part of the funds can be spent on resolving issues of ensuring the constitutional and legal status of convicts, can only be adjusted by law, within which the features of allocating such funds and the specifics of solving tasks within the framework of such financing can be determined. At the same time, if the state does not have enough funds, then no law can change this. At the same time, legal guarantees can have a clearly expressed self-sufficient nature, the implementation of which will be decisive for guaranteeing all components of legal status. For example, such a guarantee as the consolidation of rights, freedoms and obligations only by law or the existence of a judicial system.

The primary classification is the division into general and special guarantees. Before describing each of the elements, it should be noted that the guarantees are interconnected.

General guarantees are basic, fundamental, in relation to special ones. Since, as we have already said, the functioning of the legal and judicial system depends on their economic, political system, their stability. Moreover, if we talk about the features of the implementation of economic guarantees, then we can still see a significant legal basis, since the main economic processes or political actions cannot be implemented in isolation from law, from legal regulation. That is why, it should be said that, say, economic guarantees, in modern conditions, acquire the status of economic and legal guarantees, since they are regulated by the norms of law in one way or another. Or in other words, we can say that economic guarantees, as part of the implementation of the economic function of the state, are implemented in the relevant legal norms (lawmaking - within which a law is formed that regulates economic relations; the law-making form - when an institutional mechanism for the implementation of such laws is introduced; the law-enforcement form - when the norms of the relevant laws are actively implemented; the control form - when legality is checked during such law-enforcement).

It is precisely because general social guarantees are basic that we will begin the analysis of the entire set of guarantees of the constitutional and legal status of convicts with them. As already noted, they include various guarantees that differ in the sphere of social relations within which they are implemented.

We consider it necessary to begin the analysis of individual types of such guarantees with political guarantees, because in our opinion, in this system they are decisive and direct the specifics of the implementation of all others. Back in 2004, P.M. Rabinovich and M.I. Khavronyuk pointed out that political factors can slow down and restrain the development of economic and other relations, which will not allow creating a system of proper economic, social, ideological legal guarantees of rights and freedoms [4].

Such guarantees include: the stability of the political system, its openness and adaptability, a sufficiently high level of political culture, both among political actors and among the general population, including convicts, stable traditions of parliamentarism, the existence of real political parties as a real part of society, the fulfillment of election promises, freedom of political processes, the ability of political actors (subjects) to respond to real, social demands of society and its individual strata, etc. General guarantees of the constitutional and legal status of convicts include ideological guarantees, which, based on taking into account political and economic guarantees, will supplement them and create additional conditions for the reliable implementation of all components of such a status. Undoubtedly, in modern conditions, ideological guarantees do not play the role that they played in Soviet times, but at the same time their significance cannot be reduced because they create, respectively, ideological and spiritual value foundations. In Ukraine, today, there is a fairly strict definition of the ideological component possibility of diversity and impossibility of existence of one generally binding ideology. Article 15. KU.

However, despite this, there is a whole range of complex ideologies that have a significant level of bindingness. For example, the idea of human rights, human centrism, has, given the requirements of the current constitution, a sufficiently high level of bindingness. In general, the ideological components of guaranteeing the legal status of convicts include the desire of society and the state to increase the level of legal and general culture of the general population. Such a desire in general, which is aimed at gradually increasing the level of such culture and achieving the appropriate level, creates conditions for increasing awareness of their rights and obligations by both the general population and convicts. In addition, the appropriate level of legal culture is manifested in the ability to use all tools of human rights protection. These guarantees also include a stable level of implementation of spiritual and moral values, which serves as a guarantee against gross and immoral offenses resulting in violations of human rights.

It is in this context that it should be understood that further activity in the field of forming high spiritual values and clear spiritual orientations, especially among convicts, serves as one of the primary guarantees of non-violation of the rights of convicts by other convicts. In particular, this concerns the right to dignity, disrespect for the individual.

In legal literature, social guarantees are separately distinguished. However, in the broad sense of the word, the guarantees we have indicated above are already social, including legal. But if we take into account the traditional approach to the formulation of guarantees, then we can speak separately about social guarantees as a general direction. These include the social policy of the state, the formation of conditions for ensuring an appropriate social environment in places of serving a sentence, ensuring optimal employment for convicts as a guarantee against committing illegal acts, proper social security for both persons serving sentences and persons performing the functions of the colony administration.

Thus, general guarantees play a significant role and create the primary conditions for guaranteeing the legal status of convicts. At the same time, they were not effective enough and could be diluted without special legal guarantees.

Legal guarantees are a set of legal and organizational means aimed at the proper implementation and protection of all components of the constitutional and legal status of convicts.

There are many approaches to the classification of special legal guarantees, with one of the most common being the separation of two blocks within them: regulatory and organizational. Given that Ukraine is a member of a wide range of international organizations, has ratified a whole set of international acts in the field of human rights, it is probably necessary to proceed from the fact that legal guarantees are divided not into two, but four blocks. Where to the two above blocks (normative and organizational) are added two more, which concern the international component, namely international legal and organizational (we are talking about international organizations of which Ukraine is a member or participant).

In this context, it should be noted that all four blocks of legal guarantees can be considered separately only for scientific purposes. But from a practical point of view, they are inextricably linked to each other. Since any institution is to one extent or another based on legal norms, and the international component is an integral part of the organization and functioning of the national legal system.

In the system of national regulatory and legal guarantees, the principles of the constitutional order are of primary and priority importance, which, having the highest legal force even in relation to other provisions of the constitutional text, play both a direct role and create conditions for the implementation of the rights and freedoms of convicts. In particular, we can include the fact that Ukraine is a social and legal state, Article 1 of the Constitution of Ukraine «a person is considered the highest value, and the state is responsible, including before a specific person, for actions not taken, Article 3; Ukraine recognizes the principle of the rule of law, which finds its manifestation primarily in the requirement for legislation to create legal, fair, reasonable, humane laws that relate to the criminal justice system with the maximum level of legal certainty (Article 8); the legal system functions taking into account the priority of international law (Article 9); and state authorities and local self-government bodies must act only within the framework of the constitution and laws (Article 19).

The normative and legal guarantees of individual elements of the constitutional and legal status of convicts include norms that are dedicated to another element of this status. For example, the normative guarantee of observance of the rights and freedoms of convicts is the constitutional obligation enshrined in Part One of Article 68 of the Criminal Code, which states that everyone is obliged to strictly observe the Constitution and laws of Ukraine, as well as not to encroach on the rights and freedoms, honor and dignity of other people. Regulatory and legal guarantees should include not only constitutional norms, but also norms of laws and subordinate regulatory and legal acts and norms contained in other sources of law, in particular judicial precedents.

5. Conclusions.

Thus, based on the above, it is possible to conclude that convicts have a full-fledged constitutional and legal status, each of the elements of which requires ensuring the implementation of appropriate guarantees. Moreover, such guarantees should function as a holistic and complete system within which a balance between general and special guarantees should be ensured. Each group of guarantees plays its role and makes its special contribution within the functioning of this system in the direction of guaranteeing the proper implementation of all elements of the constitutional and legal status of convicts.

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STATE FUNDING OF POLITICAL PARTIES IN UKRAINE AND SOME EU COUNTRIES: CONDITIONS FOR PROVISION, AMOUNT AND CALCULATION PROCEDURE

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DOI: https://doi.org/10.61345/1339-7915.2025.4.5

Annotation. The article examines the legal regulation of state funding of political parties in Ukraine, with a particular focus on the financing of their statutory (non-electoral) activities, and compares the Ukrainian model with selected approaches applied in Poland, Germany, Latvia and Bulgaria. Drawing on formal-dogmatic, comparative and systemic analysis of national legislation and Council of Europe standards, the author clarifies the conditions under which public subsidies may be granted to political parties, the minimum thresholds of electoral support and the main methods for calculating the amount of funding. It is shown that in Ukraine the annual volume of state funding is determined by the number of votes cast for all parties participating in parliamentary elections, but is distributed only among those political forces that have passed the 5 per cent electoral threshold, which reinforces the asymmetry of resources between parliamentary and extra-parliamentary parties and objectively narrows the space for political pluralism. Special attention is paid to the mechanism whereby part of the funds is allocated taking into account the gender composition of parliamentary factions. In contrast, in most of the EU states analysed, at least partial budgetary funding is provided for parties that are not represented in parliament but reach a lower threshold of voter support; degressive "price-of-vote" schemes, matching of public funds with small private donations and both absolute and relative caps on subsidies are used. On this basis, the article argues for extending eligibility for state funding in Ukraine to extra-parliamentary parties, adjusting the distribution formula and strengthening incentives for a more diversified structure of party incomes, while at the same time preventing excessive dependence on the state budget.

Key words: state funding of political parties, political finance, electoral threshold, public subsidies, formula for calculating state funding, political pluralism, gender equality.

1. Introduction.

One of the key preconditions for the genuine realisation of political pluralism and fair competition between political forces is the proper legal regulation of the sources and procedures for financing political parties. State funding of parties is regarded as an instrument for reducing their dependence on large private donors, limiting political corruption and levelling the playing field between participants in the electoral process. At the same time, poorly designed rules for the distribution of budgetary resources among parties may, on the contrary, entrench the monopoly of parliamentary forces and narrow the space for the participation of new or small political actors.

In Ukraine, over the last decade, a specific model of state funding of political parties has been formed, combining reimbursement of campaign expenditure and the financing of their statutory (non-electoral) activities. The normative design of the relevant institutions laid down in the Law of Ukraine "On Political Parties in Ukraine" and electoral legislation has been amended on several occasions, which is due both to internal political factors and to Ukraine's external commitments in the context of European integration. The current model combines a relatively high threshold of electoral support required to acquire the right to receive budgetary subsidies with a rigidly fixed "price of a vote" and with the calculation of the overall amount of funding taking into account the votes cast for those parties that do not ultimately receive state support.

In these circumstances, it becomes particularly important to clarify the extent to which the existing Ukrainian approach to the conditions, amount and calculation of state funding corresponds to European standards and best practices of democratic states, and whether it ensures a balance between the need to support institutionally consolidated political forces and the task of preserving genuine political pluralism.

2. State of research.

The legal regulation of state funding of political parties in Ukraine in the context of countering political corruption, democratising the political process and approximating European standards has in recent years been examined by a number of Ukrainian scholars, in particular V. Oliinyk, M. Antonenko, D. Kalmykov, D. Ruden, S. Kustova, I. Shchebetun, O. Polishchuk, O. Kotsuruba, S. Okhonko, T. Kizyma, O. Hazylyshyn, O. Sharandin and others. These studies analyse the introduction of the institution of state funding, its anti-corruption potential, its compliance with European approaches and the main trends in the reform of national legislation. At the same time, the conditions for granting state funding specifically for the statutory activities of parties, the formula and algorithm for calculating its amount, their impact on political pluralism and the comparative features of the Ukrainian model in relation to the approaches of certain EU Member States remain only fragmentarily addressed, which determines the focus of this research.

3. Aim of the article.

The aim of the article is to identify the key problems in the legal regulation of the conditions under which political parties acquire the right to receive state funding for their statutory activities, as well as in the formula and algorithm for calculating the amount of such funding, and to develop proposals for their improvement by analysing the current legislation of Ukraine and conducting a comparative legal analysis of the approaches applied in Poland, Germany, Latvia and Bulgaria.

4. Presentation of the main material.

In Ukraine, the procedure and grounds for state funding of political parties are regulated by Section IV-1 of the Law of Ukraine "On Political Parties in Ukraine" [1]. Article 17-1 provides for two forms of state funding of political parties: (1) funding of the statutory activities of political parties not related to their participation in elections of the People's Deputies of Ukraine, elections of the President of Ukraine or local elections; and (2) reimbursement of political parties' expenses related to the financing of their election campaigning during regular and early elections of the People's Deputies of Ukraine.

Issues related to the funding of political parties' participation in elections are regulated primarily by electoral legislation [1; 2]. Therefore, within the scope of this article, the mechanism for reimbursing political parties for expenses related to financing their election campaigns during parliamentary elections will not be examined. The focus will be on the regulatory framework for state funding of the statutory activities of political parties.

The Law of Ukraine "On Political Parties in Ukraine" lays down several conditions, the fulfilment of which enables a political party to acquire the right to participate in the distribution of the total amount of state funding for the statutory activities of political parties. The first condition is that a party must obtain the minimum required percentage of votes from the total number of votes cast for all electoral lists of candidates for the People's Deputies of Ukraine in the nationwide multi-member electoral district at the last regular or early elections of the People's Deputies of Ukraine [1]. At present this threshold is 5 per cent, which coincides with the electoral threshold for entering parliament [2]. It should also be noted that this percentage has been amended by the legislature several times and, following the next parliamentary elections, the conditions for acquiring the right to participate in the distribution of the total amount of state funding for statutory activities will again change. This right will be acquired by political parties that receive 3 per cent or more of the votes [3], while the minimum 5 per cent level of support required to participate in the distribution of parliamentary seats will remain unchanged [2].

A number of international bodies and organisations have also drawn attention to certain aspects of state funding of political parties in their acts. For example, the PACE Recommendation on the financing of political parties stresses that state funding should, on the one hand, be determined on the basis of objective criteria such as the number of votes cast or seats won in parliament, and, on the other hand, should give new parties the opportunity to enter the political arena and compete on fair terms with more established parties [4]. The Venice Commission, in its Guidelines on the Legal Regulation of Political Parties [5], notes that in countries where a certain minimum level of support is required in order to receive state funding, setting an unreasonably high threshold may have negative consequences for political pluralism and the activities of small parties. As a minimum, state budget funds should be available, at least to some extent, to all parties represented in parliament. However, in order to strengthen political pluralism, state funding should cover not only parliamentary parties but also all parties that have a certain minimum level of popular support and nominate candidates in elections. This approach is particularly important for new parties, which should be given a legal opportunity to compete with existing organisations [5].

The main provisions of the legislation governing state funding of political parties in selected EU countries may be outlined as follows.

In Poland, the procedure for state funding of political parties is laid down in the Law on Political Parties [6]. Article 29 provides that a political party is entitled to a subsidy from the state budget if it has received at least 3 per cent of the votes in parliamentary elections, either independently or as part of an electoral coalition of political parties that has received at least 6 per cent of the votes [6]. In addition, political parties that receive at least 5 per cent of valid votes nationwide and coalitions of political parties whose lists receive at least 8 per cent of valid votes nationwide participate in the distribution of seats in constituencies [7].

According to paragraph 18 of the German Political Parties Act [8], the criteria for the distribution of public funds are not only the level of electoral success achieved by a party in elections to the European Parliament (EP), the Bundestag and the state parliaments, but also the amount of contributions made by its members and elected representatives and the volume of donations it has collected. Accordingly, political parties that received at least 0.5 per cent of the votes in the last Bundestag or EP elections, or at least 1 per cent of the votes in the last elections to a Land parliament, are eligible for state funding [8]. As a general rule, a party may participate in the distribution of seats in the Bundestag only if it has received at least 5 per cent of the second votes (Zweitstimmen) throughout Germany [9], whereas no restrictive provisions of this kind apply to the distribution of seats in the European Parliament [10].

In Latvia, the procedure for state funding of parties is regulated by the Law on the Financing of Political Organisations (Parties) [11]. State budget funding is provided to political parties that received more than 2 per cent of the votes in the last elections to the Saeima [11]. To be eligible for the distribution of seats in the Saeima, a party must again receive at least 5 per cent of the votes cast [12].

In Bulgaria, the mechanism of state funding is determined by the Law on Political Parties. State subsidies are provided to political parties that received at least 1 per cent of the valid votes cast in the country and abroad in the last parliamentary elections, and to coalitions that received at least 4 per cent of such votes [13]. The electoral threshold for entering parliament is 4 per cent [14].

In Ukraine, the second condition relates to the need for a political party that meets the first criterion to comply with several additional requirements. In particular, such a party must open a separate account in the national currency of Ukraine with a Ukrainian bank in order to receive funds from the state budget allocated for the state funding of its statutory activities, and the party leader or another person authorised by the party must submit to the National Agency on Corruption Prevention (NACP) a certificate from the bank confirming the opening of such an account. If these conditions are met, the NACP, within five days of the official announcement of the results of the elections of the People's Deputies of Ukraine, adopts a decision on the provision of state funding to the political party for its statutory activities [1].

A similar requirement is imposed on political parties in Latvia, where they must submit a written application to the Corruption Prevention and Combating Bureau within 20 days of the announcement of the election results, indicating the name, registration number and account number of the political party [11]. Obviously, this requirement is intended to facilitate state control over the targeted use of public funds.

In Ukraine, the basis for calculating the amount of state funding for the statutory activities of specific political parties during the year is the determination of the relevant annual amount using the formula laid down in the law, which is as follows: $A = 0.01 \times M \times V$, where A is the annual amount of state funding for the statutory activities of political parties; M is the minimum wage set on 1 January of the year preceding the year of allocation of state budget funds; and V is the total number of voters who participated in voting in the nationwide multi-member electoral district in the last regular or early elections of the People's Deputies of Ukraine [1].

In other words, the total annual amount of state funding for the statutory activities of all political parties takes into account both the number of votes cast for parties that will receive state funding and the number of votes cast for parties that participated in the elections but will not be represented in parliament and will not receive such funding. In addition, the conditional "price per vote" is uniform and clearly defined, with the possibility of adjustment through changes in the minimum wage.

The algorithm for calculating the amount of state support for parties in Poland [6], Bulgaria [13] and Latvia [11] does not provide for the calculation of a single total annual amount, since state funding for each party is calculated individually in accordance with statutory requirements, as discussed below. However, in Latvia the legislator has set a maximum possible annual level of state support that may be allocated to a single political organisation (party), namely 1,600 minimum monthly wages [11].

In Germany, the procedure for calculating the amount of partial state funding for political parties likewise does not require the determination of an overall annual amount to be distributed among the parties. However, German legislation employs the concepts of an "absolute limit" and a "relative limit" of partial state funding. The "absolute limit" refers to the maximum annual amount of public funds that may be paid to all parties in a given year. As of 2018, this amount was EUR 184,793,822 and must be reviewed annually, taking into account inflation indicators, in accordance with a legally established formula [8]. In 2025, this amount was increased to EUR 225,383,763 [15]. In addition, federal law establishes a "relative limit", meaning that the amount of partial state funding received by a party may not exceed the amount of that party's income from self-financing and private funding [8].

The PACE Recommendation on the financing of political parties emphasises that state funding should be determined in proportion to the political support enjoyed by a party [4]. The Venice Commission's position on this issue is that there is no universal system for the distribution of state funds: the allocation of financial resources may be based either on complete equality or on the principle of proportionality, i. e. on the results obtained by parties in elections or on the proven level of support they enjoy among citizens [5].

In Ukraine, funds allocated from the state budget to finance the statutory activities of political parties are distributed among them by the NACP in two stages. At the first stage, the possibility of distributing 10 per cent of the annual amount of state funding for statutory activities equally is verified in accordance with the formula: $G = (A \times 0.1) / X$, where G is the share to be paid to each party that meets the following requirements; A is the annual amount of state funding for the statutory activities of political parties; and X is the number of parties that have obtained the right to state funding and for which the number of representatives of one gender among the elected People's Deputies of Ukraine who have assumed their powers does not exceed two-thirds of the total number of People's Deputies of Ukraine elected from that political party. If none of the political parties meets these requirements, no state budget funds are allocated for such funding, and the NACP adopts a decision to that effect [1].

This provision of the Law of Ukraine "On Political Parties in Ukraine" is obviously due to the legislator's attempt to take into account the requirements of a number of international legal acts on equal rights for women and men and the prohibition of discrimination in any form [16; 17; 18; 19; 20]. In Recommendation Rec (2003)3 of the Committee of Ministers of the Council of Europe to member states "On the balanced participation of women and men in political and public decision-making", member states are, inter alia, encouraged to consider the possibility of state funding for political parties that promote gender equality [21]. As the Venice Commission has noted, the allocation of additional funds to support parties from which women candidates are nominated cannot be classified as a discriminatory measure [5].

At the second stage of distribution, either 100 per cent or 90 per cent of the annual amount of state funding for the statutory activities of political parties is subject to allocation, depending on whether

the distribution of 10 per cent of the annual amount took place at the first stage. The calculation of the amount of state funding at this stage may be expressed by the following formula: $B = (A - (G \times X)) \times V_n / V_\Sigma$, where B is the amount of state funding for the statutory activities of a particular political party; A is the annual amount of state funding for the statutory activities of political parties; X is the number of parties that participated in the distribution of 10 per cent of the annual amount at the first stage; V_n is the number of valid votes cast by voters in favour of the party concerned; and V_Σ is the total number of valid votes cast in favour of all parties that have obtained the right to state funding [1].

Thus, the Ukrainian system of distributing state funding for parties is based on a calculation method that is, to some extent, inequitable: the annual amount is determined on the basis of the total number of votes cast for all parties that participated in the elections, while this amount is distributed only among those parties that participated in the distribution of parliamentary seats, in proportion to the number of votes cast in their favour.

In Poland, the amount of annual funding for parties from the state budget is determined by the formula $S = W1 \times M1 + W2 \times M2 + W3 \times M3 + W4 \times M4 + W5 \times M5$, where S is the amount of annual subsidies; W1–W5 are the numbers of votes; and M1–M5 are the amounts paid per vote according to the following criteria: up to 5 per cent – PLN 5.77 per vote; from 5 to 10 per cent – PLN 4.61 per vote; from 10 to 20 per cent – PLN 4.04 per vote; from 20 to 30 per cent – PLN 2.31 per vote; and over 30 per cent – PLN 0.87 per vote [6].

In other words, the law provides for gradual degression [22, p. 85]. This degression rule means that the subsidy is lower than the election result expressed in percentage terms: the differences in the level of party funding through subsidies are smaller than the differences in their electoral support. For example, if a party received 6 per cent of the votes, the rate of PLN 5.77 is multiplied by the number of votes corresponding to 5 per cent of all valid votes, and the rate of PLN 4.61 is applied to the remainder corresponding to 1 per cent of all valid votes. The subsidy is the sum of these two products [23, p. 17].

As can be seen, Polish legislation establishes a differentiated "price per vote" [22, p. 85] depending on the total number of votes cast, whereby the higher the percentage of votes received, the lower the "price" per vote. This practice has been criticised by some scholars, who argue that it violates the principle of the equality of votes [24, p. 249].

In Germany, the procedure for determining the amount of state funding for political parties is also quite complex. As already mentioned, the level of funding depends not only on the number of votes received by the party in the last election, but also on the amount of political donations it has collected. Parties receive annual state funding of EUR 0.83 for each vote obtained in elections and EUR 0.45 for each euro they receive in donations, with individual contributions not exceeding EUR 3,300 being taken into account. If a party has up to four million valid votes, it receives EUR 1 for each vote. Moreover, since 2017 the amount of funding per vote has been subject to annual review in accordance with the rules governing the revision of the "absolute limit" mentioned above [8]. As of 2025, parties receive EUR 1.21 per vote for the first four million votes and EUR 0.99 per vote for votes above that threshold [15].

The practice of linking the amount of state funding to the volume of donations is quite interesting and provides a significant incentive for political parties to attract as wide a range of private donors as possible who make small contributions.

In Latvia, in accordance with Article 7-1 of the Law on the Financing of Political Organisations (Parties), funding from the state budget during a calendar year is provided to political parties in the amount of 0.9 per cent of the minimum monthly wage for each vote received in the last elections to the Saeima; 0.1 per cent for each vote received in the last local council elections; and 0.1 per cent for each vote received in the last elections to the European Parliament. In addition, political parties that received more than 5 per cent of the vote in the last elections to the Saeima receive state budget funding in the amount of 200 minimum monthly wages during the calendar year [11].

The system of state funding for parties in Bulgaria is rather unusual. Its main feature is that the Bulgarian Law on Political Parties [13] defines only the formula for calculating the annual amount of state subsidies for each political party or coalition, but does not itself establish a fixed "price per vote". The annual amount of the state subsidy for each political party is determined by multiplying

the actual number of votes received by the respective party by the amount of the state subsidy per vote, the latter being determined each year by the State Budget Act of the Republic of Bulgaria [13]. In other words, actual state funding of political parties is fixed annually in the State Budget Act, which could potentially lead to abuses by political forces holding a majority in parliament.

5. Conclusions.

Unlike in many EU countries, the right to state support in Ukraine functions de facto as a privilege for parliamentary parties, which leads to a financial gap between them and non-parliamentary political forces, undermines the competitiveness of the latter in political competition and makes the algorithm for distributing budget funds appear rather unfair. A study of EU legislation shows that the right to state funding should be granted and maintained both for political parties that have participated in the distribution of parliamentary seats and for those that are not represented in the national parliament. Such an approach would be in line with the recommendations of authoritative international organisations and would allow new or small parties to compete with financially powerful political forces.

The procedure for the distribution of state funding also needs to be significantly revised. At a minimum, it is necessary either to calculate the annual amount of state funding for the statutory activities of political parties by reference only to the number of valid votes cast for those parties that have acquired the right to state funding, or to calculate the amount of state funding for each party in proportion to the number of valid votes cast for the lists of all political parties that participated in the elections.

The most appropriate option for optimising the algorithm for the distribution of funds could consist in the following legislative changes: abandoning the determination of a single total annual amount of state funding while retaining the calculation of a "price per vote"; introducing a distribution system based on the product of the number of votes received by a party and a fixed "price per vote"; and the gradual introduction of constraints such as the German "relative limit", combined with a matching mechanism whereby each hryvnia contributed by supporters is reflected in the calculation of state funding. The latter would encourage parties to seek small donations and prevent political forces from becoming dependent on budget funds. At the same time, the phenomenon of the degression of the "price per vote" and the establishment of a maximum amount of funds that may be provided to all political parties within the framework of state funding require further in-depth research.

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TRANSACTION-RELATED GROUNDS FOR ELIGIBILITY FOR TAX CREDIT: OVERVIEW OF THE CASE-LAW OF THE SUPREME COURT OF UKRAINE

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DOI: https://doi.org/10.61345/1339-7915.2025.4.6

notation. The purpose of the study is to determine the transaction-related grounds for the right to a tax credit that are covered in the case-law of the Supreme Court of Ukraine. The relevance of this topic arises from the fact that there is insufficient cohesion in the scientific literature on the understanding of the whole spectrum of these grounds in their interrelation by administrative courts. As a result of the study, the author points out that the transaction-related grounds for the right to a tax credit are: (1) the genuineness of transactions for the purchase of goods/services; (2) the orientation of these transactions to the increase (preserve) taxpayer's assets and/or its value, as well as to the creation of conditions for that in the future; (3) using the relevant goods/services in the taxpayer's business activities and in transactions subject to value-added tax; (4) keeping sufficient record of business transactions in source documents and their congruence with the taxpayer's contracts. It is also noteworthy, the failure of the taxpayer's counterparty to fulfill their obligation to pay their value-added tax duties, their registration and management of its activities by figureheads, the lack of material, technical and labor resources for carrying out business transactions and other tax information regarding the taxpayer's counterparties in the supply chain are circumstances that are not of decisive importance and must be assessed in the context of specific business transactions at the time of specific business transactions and in view of other circumstances that confirm or refute the movement of assets and funds between counterparties. Similarly, presentation of unreliable information in source documents, them being issued by an unauthorized person, incomplete disclosure of some details of business transactions and other deficiencies of source documents do not entail their non-inclusion in tax accounting, if from the set of documents containing information about the business transaction, it is possible to establish the its date, essence and scale, as well as to identify the business actors who participated in the business transaction.

Key words: genuineness of business transactions, sham transaction, source documents, value added tax, tax control, tax credit, value-added tax refund.

1. Introduction.

The traditional mechanism of value-added tax involves the calculation of the amounts of this tax at each link in the chain of supply of goods/services to the final consumer and the inclusion of this tax in the price of the goods/services as well as its actual payment by the buyer of goods/services. To prevent double taxation the law provides for the right of the taxpayer to reduce their tax liabilities arising from the supply of goods/services to their buyers by a tax credit in the amount of the sums that the taxpayer actually paid to the suppliers of goods/services for their use in the taxpayer's business activities within the taxable transactions. However, in the tax administration practice, there are often cases when taxpayers carry out sham transactions for the purchase of goods/services in order to artificially increase the amounts of tax credit, by which they can reduce their value-added tax duties. Because of this, tax control measures are carried out to examine transactions of taxpayers against the requirements related to eligibility for a right to a tax credit. At the level of tax legislation, these requirements are usually set out using general wording, according to which the business transaction must be actually carried out (genuine) and confirmed by properly executed source documents. At the same time, specific criteria for compliance with these requirements and standards of proof are being developed in the case-law of administrative courts, which is why its scientific study for its

generalization and outlining ways of its further improvement is important for properly ensuring the fulfillment of taxpayers' right to a tax credit while simultaneously preventing the unjustified accrual of tax credit amounts in the event of illegal minimization of tax duties.

2. Analysis of scientific publications.

In the scientific literature, judicial case-law on transaction-related grounds for eligibility for tax credit is given considerable attention. The central place in many studies have the considerations of courts on the legal and factual grounds for qualifying certain business transactions as genuine or sham, as well as the well-established approaches to the assessment of source accounting documents. In particular, in Ukraine, the judicial doctrines of 'genuineness of business transactions', 'business purpose', "prevalence of substance over form", "due diligence of the taxpayer in choosing a business counterparty' are studied by Krylov [1], Maletska [2], Malinovska [3] and Khanova [4]. At the same time, their researches are dedicated only to certain criteria for assessing business transactions. In view of this, the task of comprehending and systematizing all these criteria in their interrelationship poses as relevant.

3. The purpose of the work.

The purpose of the study is to determine the transaction-related grounds for the right to a tax credit that are covered in the case-law of the Supreme Court of Ukraine.

4. Review and discussion.

At the outset of this research, it is to be noted that of paramount importance in determining the existence of grounds for the right a tax credit is the actual (genuine) conduct of business transactions, that is, their causing the movement of assets, changes in the structure of liabilities or equity of the taxpayer (changes in the property) of the taxpayer. According to the conclusion of the Supreme Court of Ukraine in the case no. 160/3364/19, the confirmation of a business transaction is precisely the movement of assets and funds between counterparties, while the primary documentation is a reflection of such a transaction [5].

Another intrinsic feature of economic transactions is their execution with a reasonable economic reason (business purpose).

Pursuant to Article 14(14.1.231) of the Tax Code of Ukraine, a reasonable economic reason (business purpose) is a reason that can be present only if the taxpayer intends to obtain an economic effect as a result of economic activity. The economic effect, in particular, but not exclusively, provides for the increase (preservation) of the taxpayer's assets and/or its value, as well as the creation of conditions for such an increase (preservation) in the future [6]. Interpreting these provisions, the Supreme Court of Ukraine indicates that it is not necessary for the economic effect to be observed immediately after the transaction. It is not excluded that such an effect will occur in the future, and it is also not excluded that as a result of objective reasons the economic effect may not occur at all. On the other hand, if a particular transaction is not due to reasonable economic reasons (devoid of a business purpose), then such transactions are not committed within the economic activity, and therefore, their consequences are not to be reflected in tax accounting (Judgment of the Supreme Court of Ukraine of 1 December 2021, case no. 140/6978/20) [7].

For example, the fictitiousness of business transactions and the groundlessness of them being reflected in accounting and tax records may be indicated by, among other things:

- impossibility of actually carrying out transactions in view of the time, location of property or the volume of material resources economically necessary for the production of goods, performance of works or services;
- non-performance of a person listed as a supplier of goods/services of respective entrepreneurial activity;

- absence of the necessary conditions for achieving the outcomes of the relevant economic activity due to the lack of managerial or technical personnel, fixed assets, production assets, warehouses, and vehicles;
- taxation-driven accounting only of those transactions that are directly related to the occurrence of a tax benefit, if this type of activity also requires the performing and accounting of other business transactions;
- carrying out transactions with goods that were not produced or could not be produced in the volume specified by the taxpayer in the accounting documents;
- lack of accounting documents (Judgment of the Supreme Court of Ukraine of 6 July 2023, case no. 120/17523/21-a) [8].

In the practice of resolving disputes about the existence of tax consequences of business transactions, their genuineness is often questioned due to signs of fictitious activity of the taxpayer of the participants in such transactions and their failure to fulfill their tax obligations. First of all, in this regard, it is to be indicated that the well-established standpoint in the jurisprudence is that if the counterparty has not fulfilled its obligation to pay the amount of its value-added tax duties, this is not a basis for depriving the taxpayer of the right to a value-added tax refund in the event that such a taxpayer has fulfilled all the conditions stipulated by law for receiving such a refund and has the necessary confirmation of the amount of its tax credit (Judgment of the Supreme Court of Ukraine of 31 January 2011, case no. 21-47a10-a) [9].

In addition, the possibility of accruing a tax credit for transactions involving shell business entities is not excluded. In this regard, the Supreme Court of Ukraine emphasized that a shell business entity is a legal entity, despite defects in its creation or purpose (in particular, its creation by individuals for monetary remuneration without the purpose of conducting financial and economic activities, who did not know who subsequently compiled and signed tax reports and other documents on behalf of the business entity). Substantiating this conclusion, the court indicated that the legislation does not consider the inconsistency of a person's civil-law powers to act on behalf of a legal entity as an independent basis for the inadequacy of the executed source documents, and the source documents drawn up by it do not deprive them of legal significance in the event of actual movement of assets. It was also concluded that evidence of fictitious entrepreneurship should be assessed by the administrative court along with the source documents, the correctness of their execution, the possibility of performing disputed economic transactions, their connection with the taxpayer's economic activities, and the possible use of the purchased goods (works, services) in further activities (Judgment of the Supreme Court of Ukraine of 7 July 2022, case no. 160/3364/19) [5].

Equally, tax information on counterparties in the supply chain, the absence of counterparties of the taxpayer by location, the cancellation of their certificates of value-added tax payers, the absence of personnel and material resources, fixed assets for carrying out economic transactions cannot indicate the absence of a business purpose and/or the taxpayer's awareness of the illegal nature of the activities of their counterparties, as well as the unreliability of the declared tax accounting data (Judgment of the Supreme Court of Ukraine of 6 July 2023, case no. 120/17523/21-a) [8].

On the other hand, if circumstances are established in the litigation that indicate that the taxpayer was or could have been aware of the unlawful activities of their counterparty (illegal minimization of tax duties), in particular, through creating artificial grounds for increasing expenses and/or tax credit, or if the taxpayer acted without due diligence or caution when choosing a counterparty that does not fulfill its tax obligation, under established circumstances that refute the reality of economic transactions, the tax benefit received by such a taxpayer in the form of the right to expenses and tax credit is recognized as groundless (Judgment of the Supreme Court of Ukraine of 5 May 2023, case no. 160/15514/20) [10]. The tax authority that denies the taxpayer's eligibility for a tax credit in such circumstances must prove that a bona fide taxpayer could have verified the veracity of the relevant documents by reasonable measures and also had sufficient grounds, acting with due diligence, for reasonable doubts about their content (Judgment of the Supreme Court of Ukraine of 7 July 2022, case no. 160/3364/19) [5].

The genuineness of business transactions is verified both by clarifying the circumstances regarding the possibility of their conduct, and by establishing the availability and content of the taxpayer's contracts and source documents regarding their fulfillment.

In this regard, the Supreme Court of Ukraine noted that business transactions must correspond to the economic effect reflected in the contracts concluded by the taxpayer and be confirmed by properly executed source documents. In other words, to confirm the actual implementation of business transactions, the taxpayer must have the appropriate source documents, which must be properly executed, contain all the necessary details, be signed by authorized persons and which, together with the established circumstances of the case, in particular, regarding the possibilities of economic entities to carry out the relevant transactions, must testify to the indisputable fact of the actual implementation of business transactions, which is the basis for the taxpayer to form tax accounting data (judgment of the Supreme Court of Ukraine of 6 July 2023, case no. 120/17523/21-a) [8].

At the same time, the Ukrainian well-established case-law indicates as well that for source documents to be given weight in tax accounting, it is sufficient to reflect in only the minimum necessary information that allows to verify the actual implementation of the relevant business transactions. Under this condition, the absence of other parts of the source document does not lead to its loss of evidentiary value.

In particular, in the case no. 826/5911/18, the Supreme Court of Ukraine took the view that for tax accounting purposes, in light of the approach of the prevalence of substance over form, the economic consequences created by business transactions are taken into account primarily, and not the specifics of the record of the relevant transactions (Judgment of the Supreme Court of Ukraine of 27 July 2020, case no. 826/5911/18) [11].

Applying this approach in the case no. 160/20895/21, the Supreme Court of Ukraine stated that insignificant deficiencies in documents representing information about a business transaction are not grounds for non-recognition of a business transaction, provided that such deficiencies do not prevent the possibility of identifying the person who participated in the business transaction and contain information about the date of making of the document, the name of the enterprise on whose behalf the document was prepared, the essence and scope of the business transaction, etc. For example, as the court noted, the absence of shipping documents that are provided at the request of the buyer and are not reflected in tax/accounting is irrelevant for assessing the adequacy of documentary evidence of business transactions. Equally, the failure to indicate in the expense invoice the position of the person who received the goods, if there is a signature of the person affixed with the seal of the business entity, cannot indicate the absence of business transactions for the supply of goods, in addition, expense invoices contain all the details of the business entity (Judgment of the Supreme Court of Ukraine of 1 December 2022, case 160/20895/21) [12].

Moreover, the Supreme Court also holds the opinion that the fact of using source documents with unreliable data to confirm the circumstances of a business transaction should not automatically indicate the groundlessness of the tax accounting data. In other words, a bona fide taxpayer who used the relevant document to confirm his tax accounting data cannot suffer any negative consequences if other circumstances specified in the source document, in particular the movement of the relevant assets, took place (Judgment of the Supreme Court of Ukraine of 7 July 2022, case no. 160/3364/19) [5].

The most complex cases of assessing documentary evidence of business transactions when determining their genuineness and the existence of the relevant taxpayer's right to accrue a tax credit occur when verifying non-commodity transactions.

In this regard, one could turn to the reasoning of the Supreme Court of Ukraine, which noted that marketing services, as well as consulting, promotion services, and information services belong to non-commodity transactions. For the formation of a tax credit for transactions for such services a necessary condition is to prove the direct connection of such transactions with the taxpayer's economic activities and their confirmation by appropriate source documents, the mandatory maintenance and storage of which is provided for by the accounting rules, and other documents that would certify the fact of the economic transaction (Judgment of the Supreme Court of Ukraine of 23 October 2020, case no. 815/2126/15) [13]. For example, confirmation of the connection of marketing service costs with the economic activity of the business entity may be: an internal administrative act of the enterprise on the need to conduct such marketing research, the time of its conduct, territory, boundaries, etc., a contract for conducting marketing research, indicating the its type, purpose, etc. In order to confirm the actual receipt of marketing services, an act of acceptance and transfer of services or another document confirming the actual provision of such services, a report on conducting

marketing research setting out the outcomes of such research and provide recommendations to the customer, may be provided. The report on conducting marketing research should contain information, in particular, on the analysis of competition between the largest manufacturers in the wholesale and retail sales markets and an assessment of the level of competition, the main trends in market development, price change dynamics, product (goods) assortment, pricing policy, analysis of imports and exports of products (goods) and their impact on the market, potential consumers and quantitative indicators (market capacity) of planned sales, forecast sales plan, risk assessment, financial plan, analysis of project effectiveness, forecast level of profitability, project payback period, conclusions and recommendations based on the results of the research (judgment of the Supreme Court of Ukraine of 25 March 2021, case no. 813/2781/17) [14].

5. Conclusions.

Having regard to the above considerations, it could be summarized that the transaction-related grounds for the right to a tax credit are: (1) the genuineness of transactions for the purchase of goods/services; (2) the orientation of these transactions to the increase (preserve) taxpayer's assets and/or its value, as well as to the creation of conditions for that in the future; (3) using the relevant goods/services in the taxpayer's business activities and in transactions subject to value-added tax; (4) keeping sufficient record of business transactions in source documents and their congruence with the taxpayer's contracts. It is also noteworthy, the failure of the taxpayer's counterparty to fulfill their obligation to pay their value-added tax duties, their registration and management of its activities by figureheads, the lack of material, technical and labor resources for carrying out business transactions and other tax information regarding the taxpayer's counterparties in the supply chain are circumstances that are not of decisive importance and must be assessed in the context of specific business transactions at the time of specific business transactions and in view of other circumstances that confirm or refute the movement of assets and funds between counterparties. Similarly, presentation of unreliable information in source documents, them being issued by an unauthorized person, incomplete disclosure of some details of business transactions and other deficiencies of source documents do not entail their non-inclusion in tax accounting, if from the set of documents containing information about the business transaction, it is possible to establish the its date, essence and scale, as well as to identify the business actors who participated in the business transaction.

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INTEGRITY IN EDUCATION AS A PREVENTIVE MEASURE AGAINST CORRUPTION: LEGAL ASPECTS

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DOI: https://doi.org/10.61345/1339-7915.2025.4.7

Annotation. The article provides a comprehensive analysis of the phenomenon of integrity in the educational space of Ukraine as a strategic legal and ethical tool for preventing corruption. The concept of zero tolerance for corruption is considered not as a situational administrative requirement, but as a fundamental worldview basis that should be formed by the education system.

Based on an analysis of the regulatory and legal framework, in particular Article 42 of the Law of Ukraine 'On Education' and Order No. 977 of the Ministry of Education and Science of Ukraine, the authors examine the process of institutionalising academic integrity. It is argued that integrity has transformed from a declarative moral principle into a mandatory legal category, which is a prerequisite for the accreditation of educational programmes and a criterion for the quality of education. Particular attention is paid to the novelties of the 2024 legislation (Order of the Ministry of Education and Science No. 842), which introduced competence in the ability to act on the principles of intolerance to corruption into the standards of higher education. The Strategy for the Development of Integrity in Education for 2026–2030, developed by the National Agency for Corruption Prevention, is analysed in detail. The article also considers the international context (UNESCO and OECD standards) and the role of education in shaping the legal culture of future professionals. It concludes that the systematic implementation of anti-corruption education, the consolidation of ethical standards in the internal regulations of institutions, and real accountability for violations are necessary conditions for the sustainable development of a democratic society and the prevention of the reproduction of corrupt behaviour patterns.

Key words: anti-corruption education, academic integrity, ethical standards, legal culture, education policy, zero tolerance, NACP, higher education standards.

1. Introduction.

Corruption is one of the key challenges for the sustainable development of a democratic society. Overcoming it requires not only legal and institutional mechanisms, but also the formation of an appropriate culture of integrity, which must be instilled from an early age. Education plays a critical role in this process, as it shapes the worldview, moral values and legal awareness of future citizens.

In the context of the transformational processes taking place in Ukrainian society, the issue of integrity in education is becoming particularly important as a tool for shaping legal awareness and preventing corruption. The educational environment is not only a space for the transfer of knowledge, but also a key mechanism for socialisation, where the foundations of ethical behaviour, legal culture and civic responsibility are laid. That is why academic integrity – as a set of principles of honesty, transparency, responsibility and respect for intellectual property – is seen not only as an internal standard of educational quality, but also as a preventive factor in the fight against corruption.

Corruption in education poses a serious threat to the legitimacy of educational institutions and undermines trust in the education system as a whole. It not only violates the principles of equality and justice, but also fosters tolerance for corrupt behaviour among young people, who may carry these practices into their professional lives in the future. Thus, education that is not based on integrity

loses its socialising function and becomes an instrument for reproducing corrupt models. That is why the introduction of legal mechanisms to ensure integrity – in particular through regulatory acts, internal regulations of educational institutions, monitoring and accountability systems – is a necessary condition for the formation of an anti-corruption culture in society.

2. The purpose of this article is to analyse integrity in education as a legal phenomenon that serves to prevent corruption, as well as to examine the regulatory and legal framework, institutional mechanisms and practical challenges associated with the implementation of the principles of academic integrity in the Ukrainian educational space.

3. Review and discussion.

Education is a strategic resource of the state that determines the level of legal culture of citizens, their ability to think critically, comply with the law and resist corruption. It is in the educational environment that the foundations of legal awareness are laid, ideas about acceptable and unacceptable models of behaviour are formed, and an understanding of the principles of the rule of law, justice and responsibility is developed. Thus, education performs not only an educational but also a preventive function in the fight against corruption.

The normative consolidation of integrity as a mandatory component of the educational process not only ensures the quality of education, but also creates conditions for the formation of a generation of citizens who are aware of the destructiveness of corruption and are ready to actively counteract it. Education based on the principles of integrity becomes an effective tool for transforming society towards the rule of law.

According to Article 42 of the Law of Ukraine 'On Education,' academic integrity is defined as a set of ethical principles and legally established rules that participants in the educational process must adhere to during learning, teaching, and conducting scientific research.

In addition to national legislation, local regulations of educational institutions play an important role – provisions on academic integrity, codes of ethics, internal regulations and procedures for responding to violations. These documents specify general legal norms, adapting them to the specifics of the educational institution, and must not only be formally approved, but also effectively implemented through educational practice, outreach activities, and support from the administration and academic community. Thus, the legal concept of integrity in education is a key tool for ensuring the quality of the educational process, protecting the rights of participants in the educational environment, and forming a legal culture that contributes to the prevention of corruption. Its normative consolidation and practical implementation are a necessary condition for the development of education based on the principles of legality, ethics, and responsibility. Integrity in education is a multifaceted phenomenon that combines ethical principles, social norms and legal regulators that determine the behaviour of all participants in the educational process. In legal terms, it appears as a system of norms and principles aimed at ensuring honesty, transparency, accountability and respect for intellectual property rights in the educational environment. This approach allows integrity to be viewed not only as a moral category, but also as a legally significant element of the state's education policy.

In the current regulatory and legal field of Ukraine, the concept of integrity is becoming increasingly relevant and institutionally entrenched. It is actively integrated into key areas of public life – public administration, the judiciary, anti-corruption policy, and educational activities. In particular, legislation and subordinate acts define integrity as a mandatory ethical standard for civil servants, teachers, researchers, students, and learners. This process demonstrates the gradual formation of the ethical infrastructure of a democratic society.

However, in practical application, the concept of integrity is often interpreted narrowly – as a tool for preventing corruption, which boils down to formal compliance with anti-corruption norms. Such a functional approach, although justified in the context of state control, significantly reduces the moral and ethical content of integrity, turning it into a technical requirement rather than an intrinsic value. As a result, integrity is perceived as an external obligation subject to regulation and sanctioning, rather than a personal trait formed through upbringing, education and self-reflection.

In scientific discourse, integrity is viewed much more broadly – as an integral moral quality of a person that encompasses honesty, ethical consistency, responsibility, legal culture, respect for the dignity of others, and the ability to act on the basis of internal convictions. It is not only a means of preventing negative phenomena, but also a positive value that contributes to the formation of a culture of trust, transparency and social cohesion. In this context, integrity must be integrated into educational, legal and management practices as a fundamental principle of a democratic society.

In view of the above, it is important to rethink the normative content of integrity, taking into account its humanistic, educational and cultural potential. This approach not only increases the effectiveness of anti-corruption policy, but also contributes to the formation of ethically mature individuals capable of responsible citizenship, professional activity and participation in public life based on honesty, justice and legal awareness.

The concept of 'integrity' has gradually entered the regulatory and legal field of Ukraine, acquiring different meanings depending on the area of application – the judiciary, civil service, anti-corruption policy and education. Its normative consolidation took place in stages:

-2006 – declarative use: Presidential Decree No. 742/2006 'On the Concept of Overcoming Corruption in Ukraine "On the Path to Integrity"' initiated the use of the term 'integrity' in public discourse. However, the document does not provide a clear definition of the concept, and its content is limited to anti-corruption objectives.

-2014–2016 – judicial and anti-corruption reforms: The Law of Ukraine 'On the Judicial System and Status of Judges' (2016) establishes integrity as one of the key criteria for evaluating judges, covering ethical behaviour, transparency of income and lifestyle compliance.

-2017 – educational reform: The Law of Ukraine 'On Education' (Article 42) for the first time normatively defines the concept of academic integrity as a set of ethical principles and rules that should guide participants in the educational process. This became the basis for the formation of integrity policies in educational institutions.

-2020–2023 – institutionalisation of integrity: Integrity became a mandatory criterion in competitions for civil service positions, in the evaluation of educational programmes (through the activities of the National Agency for Higher Education Quality Assurance), and in the practice of anti-corruption bodies. Local integrity policies, codes of ethics, and mechanisms for responding to violations have appeared in universities.

Based on the above, it is clear that integrity has gradually transformed from a declarative slogan into a normatively defined category that encompasses both legal and ethical dimensions, particularly in the educational environment.

Order No. 977 of the Ministry of Education and Science of Ukraine dated 11 July 2019, approving the Regulations on the Accreditation of Educational Programmes, became a key regulator that integrated academic integrity directly into the mechanism for assessing the quality of higher education. This document clearly states that adherence to the principles of integrity is not just an ethical norm, but a mandatory part of the criteria used by the National Agency for Higher Education Quality Assurance (NAQAA) to conduct accreditation reviews. In fact, integrity has become a necessary prerequisite for confirming the quality of an educational programme, as reflected, in particular, in Criteria 5 and 10 of the Regulations. The Regulations place direct responsibility on higher education institutions (HEIs) for creating an internal culture of integrity. According to Criterion 5, each HEI is required to develop clear and transparent policies, standards and procedures for maintaining academic integrity. This includes not only promoting ethical standards, but also implementing technological solutions to combat plagiarism and other violations. In addition, HEIs must establish objective assessment rules, including mechanisms to prevent conflicts of interest and procedures for appealing results. For the educational and scientific level (Criterion 10), the requirements are even stricter: HEIs must ensure that research supervisors and postgraduate students adhere to integrity standards, actively preventing violations in research activities.

The integrity requirements apply not only to HEIs, but also to experts conducting accreditation reviews. Experts are required to act in good faith, impartially and with integrity, which includes a prohibition on demanding or receiving undue benefits (gifts) and the need to maintain an atmosphere of mutual respect during visits. The regulation also establishes severe consequences

for dishonest actions. Accreditation may be denied if the submitted documents contain false information or if the review reveals unlawful or unethical actions by the higher education institution itself that make the process impossible. This emphasises that integrity is an essential condition for successful accreditation. Order No. 977 laid a solid foundation for ensuring the quality of educational programmes by integrating academic integrity into the key accreditation criteria. However, the higher education system continues to evolve and adapt to new challenges, requiring constant improvement of standards. A logical continuation of this process was the adoption of Order No. 842 of the Ministry of Education and Science of Ukraine dated 13 June 2024 'On Amendments to Certain Standards of Higher Education,' which reflects the current needs of the labour market and society, making significant adjustments to the very architecture of training for applicants.

In accordance with Order No. 842 of the Ministry of Education and Science of Ukraine dated 13 June 2024 No. 842 'On Amendments to Certain Standards of Higher Education,' the ministry made changes to the standards of higher education, in particular, adding a clause to educational programmes regarding an additional position of general competence, which includes the ability to make decisions and act in accordance with the principle of intolerance of corruption and any other manifestations of dishonesty, which in turn should be reflected in the expected outcomes, such as knowing the basics of preventing corruption, social and academic integrity at the level necessary to develop intolerance to corruption and manifestations of dishonest behaviour among students.

After the entry into force of Order No. 842 of the Ministry of Education and Science of Ukraine dated 13 June 2024, a new general competence was integrated into higher education standards, which provides for the ability to act responsibly, adhering to the principle of zero tolerance for corruption and dishonesty. In response to these changes, higher education institutions have introduced a course aimed at fostering academic integrity, ethical awareness and anti-corruption behaviour among students. The introduction of this course has a significant impact on the educational environment. Students gain knowledge about the legal basis for preventing corruption, the principles of academic ethics, and critical thinking skills that enable them to make morally sound decisions. This helps to reduce cases of plagiarism, falsification of results and other breaches of integrity, while improving the quality of the educational process.

In the medium term, it is expected that a generation of specialists will emerge who not only possess professional knowledge but are also capable of resisting corrupt practices in their work. Higher education institutions, in turn, are strengthening their internal integrity policies, which has a positive impact on their reputation and trust among society and international partners.

Thus, the introduction of academic integrity as a discipline is a strategic step in the transformation of Ukraine's higher education system. Not only does it respond to contemporary challenges, but it also contributes to the formation of ethically responsible citizens who are capable of acting transparently, honestly and with respect for social values.

In the global international dimension, integrity in education is recognised as one of the key mechanisms for preventing corruption and ensuring the sustainable development of democratic societies. Education systems based on the principles of transparency, ethical behaviour and academic responsibility shape generations of citizens who not only possess knowledge but are also capable of resisting corrupt practices in their professional and social lives.

International initiatives and documents The United Nations, UNESCO, the OECD and the European Union actively promote the idea of integrity as an instrument of anti-corruption policy. In particular, UNESCO, in its recommendations on ethics in education, emphasises the need to foster a culture of academic integrity from an early age. The OECD, in its reports on integrity in public administration, highlights the role of education in fostering zero tolerance for corruption. In most countries around the world, integrity in education is seen as a preventive tool in the fight against corruption; a criterion for the quality of education; a factor in the formation of civic responsibility; and a norm of behaviour that is enshrined not only ethically but also normatively. International experience confirms that integrity in education is an effective means of preventing corruption. Its implementation at the regulatory, institutional and cultural levels contributes to the formation of a society where ethical behaviour is the norm and corruption is unacceptable.

Zero tolerance for corruption is not just a political slogan or administrative strategy, but a deeply rooted social attitude that is formed through a system of values, legal culture and educational

practice. One of the most effective mechanisms for shaping such an attitude is the cultivation of integrity, which encompasses the development of ethical awareness, legal responsibility and critical thinking in students.

The educational process has the potential not only to impart knowledge, but also to shape moral guidelines that determine an individual's attitude towards corrupt practices. Fostering integrity – through the integration of ethical standards into curricula, the creation of an ethical educational environment, and the example set by teachers – contributes to the formation of a strong rejection among young people of any form of abuse of power, undue advantage or manipulation.

Building zero tolerance for corruption through integrity education is a long-term process that requires systematic support from the state, educational institutions, and civil society. This approach not only reduces corruption in education but also lays the foundation for the development of a rule of law state where ethical behaviour is the norm rather than the exception. The NACP Integrity Office has developed teaching materials for integrating anti-corruption topics into the educational process. The Ministry of Education and Science has approved these materials for use in the educational process.

In November 2025, the NACP presented the Strategy for the Development of Integrity in Education for 2026-2030, which provides for the systematic implementation of anti-corruption education at all levels, from school to higher education. The strategy was developed in partnership with the Ministry of Education and Science of Ukraine, the EU Anti-Corruption Initiative, representatives of the academic community, civil society organisations, teachers and students. The Strategy for the Development of Integrity in Education for 2026–2030 is a key policy document developed by the National Agency for Corruption Prevention (NAZK) aimed at systematically improving the educational environment. The main goal of the Strategy is to introduce transparent management practices and promote a culture of integrity in all areas of education. Integrity here is seen not just as formal compliance with rules, but as a deep inner conviction to act ethically and responsibly, even in the absence of control. This is a key condition for the formation of a society based on the principles of transparency and accountability.

The document covers all levels of education – from general secondary (GSE) to vocational (VET) and higher (HE), providing a clear roadmap that brings together the efforts of authorities, teachers, parents and the student community to promote ethical behaviour and prevent corruption.

The implementation of the Strategy is based on the Theory of Change, which posits that the formation of a culture of integrity requires a comprehensive approach and influence on three interrelated areas. This approach is formulated in three strategic objectives common to all levels of education: 1) providing participants in the educational process with a methodological basis and teaching materials on integrity; 2) building the capacity of teaching staff to foster virtues of integrity and integrate them into the educational process; and 3) ensuring that educational institutions operate on the principles of integrity, transparency and accountability on the part of education administrators (in particular, through the implementation of internal anti-corruption compliance). To achieve these goals, the NACP and its partners plan to create specialised training materials (e.g., for primary schools and parents), develop interactive case studies, conduct systematic training for administrators, and expand the network of professional communities (such as the Transparent School project).

Thus, integrity in education is not only an internal quality standard, but also an effective mechanism of anti-corruption policy that must be supported at all levels: from state legislation to the daily practice of educational institutions. This process should begin at an early age and be implemented through the systematic integration of ethical standards, anti-corruption education, academic integrity practices, and legal knowledge into the content of educational programmes. This approach is in line with modern concepts of preventive anti-corruption policy, according to which education plays a key role in shaping civic awareness, legal culture and sustainable moral values.

4. Conclusions.

Ensuring integrity in Ukrainian education requires a comprehensive and systematic approach that combines regulatory consolidation and practical implementation of ethical, anti-corruption and legal components. The regulatory framework is already multi-level, covering legislative acts and internal regulations that should contain not only declarative principles but also specific mechanisms

for preventing corruption and monitoring quality. Ethical education and anti-corruption education must go beyond the formal acquisition of concepts, using interactive methods, case studies and modelling of moral choice situations to develop students' risk recognition, critical thinking and active citizenship skills. To achieve sustainable results, academic integrity and the principles of the rule of law must be institutionally enshrined in educational standards, professional codes and assessment mechanisms, ensuring that all these components do not remain at the level of declarations but become the fundamental basis for shaping a generation with zero tolerance for corruption.

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METAVERSE: A SIMULACRUM PLATFORM FOR DIGITAL TRANSFORMATIONS OF THE METAVERSE E-STATE SOCIETY

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DOI: https://doi.org/10.61345/1339-7915.2025.4.8

Annotation. This paper presents a comprehensive study of the role of digital simulacra in the Metaverse space, especially regarding their use in modelling social, economic, and legal scenarios. Key conceptual elements such as avatars, electronic identities, digital humanoids, AI subjects, digital influencers, and artificial moral agents are analysed. Considerable attention is paid to the theoretical substantiation of the phenomenon of simulacra, the definition of their functions and impact on modern society.

The study covers the analysis of promising experimental approaches, in particular the Wuhan and Stanford experiments, which demonstrated high accuracy in simulating individual and collective consciousness using generative AI models. The innovative LLM model "Centaur", which reproduces complex scenarios of human cognition and behaviour, expanding the boundaries of the application of AI in various fields, is also considered.

Emphasis is placed on the analysis of the possibilities of using the Metaverse as an innovative space for modelling social relations based on the interaction of IoT, Big Data, and AI. A structural model is proposed that demonstrates the multi-level interaction between these technologies, providing accurate predictions of social and political reactions. Notably, the use of such technologies is associated with ethical, social and legal challenges, including issues of privacy, digital control and manipulation of public consciousness.

Key words: Metaverse, IoT, Big Data, AI, LLM, Simulacra.

1. Introduction.

The current stage of the Metaverse is characterized by a large-scale digital transformation of almost all spheres of human life, the use of Artificial Intelligence (AI), the Internet of Things (IoT), Big Data, digital entities and objects, simulacra, and other technologies that create digital ecosystems. Avatars, digital personalities, and other Metaverse agents acquire new functionality, which allows them to evolve into new forms – highly realistic simulacra, which are detailed digital models endowed with reflections of both social structures and personal identity traits. Such virtual models become a kind of experimental testing grounds for detailed analysis and preliminary testing of various social, economic, cultural and legal scenarios for the development of digital society in the Metaverse.

Thanks to the use of such digital simulacra, it becomes possible to quickly predict social and individual reactions to certain legislative initiatives, which contributes to a significant increase in the efficiency of legislative processes, improves law enforcement practice and avoids potential negative consequences of rash legal decisions. However, in parallel with opening new horizons for optimizing legislative activities in the Metaverse, the use of simulacra carries several ethical, social, and legal challenges. Questions arise about the limits of digital control, the risks of manipulating public opinion and possible human rights violations in the context of the total collection and analysis of personal data.

2. The purpose of this article is to analyse the role of digital simulacra in the Metaverse as tools for modelling social, economic and legal processes.

3. Review and discussion.

To ensure a comprehensive study of digital simulacra in the Metaverse, an interdisciplinary methodological approach was applied, encompassing theoretical analysis, experimental modeling, as well as comparative analysis of empirical data.

A) Theoretical analysis. To determine the conceptual framework of the phenomenon of simulacra, the theory of Jean Baudrillard was used, which considers simulacra as copies that do not have the original and replace reality, creating illusions of real processes [28, 29, 30]. This made it possible to formulate key concepts, define the limits of their use in digital environments, and identify the main functions of simulacra in the Metaverse, such as reality substitution, manipulation of perception, and simplification of communication [33, 34, 35].

B) Experimental modeling. For empirical verification of the effectiveness of simulacra and their impact on modeling social behavior, the results of two important experiments were used:

Wuhan Experiment, which demonstrated the high potential of technologies for creating algorithmic copies of citizens with specific cultural, social, and political contexts. The results of the experiment confirmed the ability of simulacra to predict political events, in particular election results, with high accuracy [39, 40].

The Stanford Simulacra Experiment, implemented using the ChatGPT-4o model, proved the accuracy of reproducing individual consciousness and human behavior at the level of 85-98% compared to the results of real sociological and psychological tests [41].

To detail cognitive models and adaptability of simulacra, the Centaur model of the large language model (LLM) was used, which allows reproducing complex scenarios of human behavior and consciousness [42].

C) Comparative analysis. A comparative method was used to analyze the interaction of IoT, Big Data and AI technologies in the Metaverse, which made it possible to outline a structural model of the interaction of these technologies in the formation of a digital society [54, 55, 56, 57]. This made it possible to compare the effectiveness of different methods of collecting, processing, and analyzing big data from IoT devices and determine the optimal technological solutions for the implementation of multi-level simulation of social processes.

Thus, the methodological apparatus chosen for the study allows for a reasoned and comprehensive assessment of the role of simulacra in the digital transformation of society, taking into account both their advantages in forecasting social and political processes and the ethical and legal challenges associated with them.

The Metaverse is filled with subjects and objects that interact both within the Metaverse and with the subjects and objects of the physical world. This interaction is data exchange in the Big Data format, forming basic informational component of the Metaverse. Today, the Metaverse has the following protagonists.

A. Avatar.

The definition of "avatar" has deep historical and religious roots. Translated from Sanskrit, "avatar" means "incarnation", and in Hindustani mythology, avatar is the earthly embodiment of God Vishnu, who comes to earth to solve certain social problems of humanity [1, 2]. In the digital age, the term "avatar" does not yet have a stable internationally recognized definition, and it does not exist in the Ukrainian legal landscape. There are the following definitions:

- virtual digital self-presentations of users in the digital environment [3];
- digital embodiment of the user in a virtual environment to designate a person's online persona, including their online representation in various online spaces and the Metaverse [4];
- data in electronic form sufficient to reproduce the prototype of the human owner of the electronic avatar in the Metaverse with maximum authenticity and rights established by law [5, 6].

B. Electronic personalities Maintaining the Integrity of the Specifications Metaverse.

Electronic personality – is a term that means a generalized type of digital or electronic systems that model the behaviour of a person, a group of people or an organization [7, 8, 9]. The term has not been widely used due to its functional clannishness, but there are active discussions around the systems of "electronic personality" today, including in the European Union, regarding the definition of a legal status like that of a human. The phenomenon of electronic personality consists of in several, in our opinion, important properties, related to:

- psychological and moral impact on people and society;
- the effect of an "echo chamber", electronic "hives" or "mass digital consciousness", which is formed through online communications and can have collective personalities and moods that affect the behaviour of the group;
- adaptive features of AI, which are aimed at establishing trust of the "human-AI" level for long-term use in society.

Thus, the electronic personality is a complex conceptual construct in which social, legal, technological, moral and psychological aspects are mixed [10, 11].

C. Digital Humanoids Metaverse.

Digital Humanoids – are physical or virtual robots that have a human appearance and can

interact with humans [12, 13]. They are created on the principles of anthropomorphism, i. e. digital humanoids can have a physical or virtual digital form and, preferably, are designed to interact with humans, mimicking human interactions using verbal and non-verbal signals, combining the capabilities of a conversational agent and an interactive avatar at the same time [14, 15].

Today, the main direction of application of digital humanoids is aimed at the medical and social spheres through the imitation of human behaviour to interact with people, changing the dynamics of traditional human interactions [16, 17].

D. AI agents with Legal or Corporate Rights in Metaverse.

One of the modern areas of discussion in the field of law and not only is aimed at studying the topic of granting the right of a legal entity or corporate rights to subjects of artificial intelligence through the recognition of them as subjects or objects of law which capable of having rights and obligations like human or corporate subjects.

The idea of granting legal entity or corporate rights to AI systems and officially recognizing them as similar in the legal field to people or companies, is controversial and raises significant ethical, legal, and philosophical questions.

Granting AI digital entities with corporate rights will allow them to become independent participants in legal and economic activities. At the same time, questions remain as to whether artificial intelligence should be granted individual status based on its capabilities, such as decision-making and autonomy. This raises the implications for accountability and ownership and crucial issue of defining the responsibility when AI systems violate the rights and potential opportunities for the exponential accumulation of tangible and intangible goods not for the benefit of society. In addition, there are other legal risks, such as the lack of regulatory norms in relation to AI-based legal entity, which concerns business management and financial processes through the creation of non-state organizations and procedures.

E. Digital Influencers (e-VI).

Digital or virtual influencers (e-VI) – are digital virtual characters created using artificial intelligence, computer graphics, CGI (Computer-Generated Imagery) and other digital tools [18, 19, 20]. Today, mostly e-VIs are products of corporations that create echo chambers on social networks to attract the target audience, according to the archetypes of sociodynamics: baby boomers (1946-1964), generation "X" (1965-1980), generation "Y"/Millennials (1981-1996), Generation "Z" (1997-2012), N-Generation (Digital Aborigines), or Generation "Alpha" (2013 and later). Digital influencers, by

mimicking human traits and behaviours in digital ecosystems, have a significant impact on their audiences on social media and other online platforms [21, 22]. However, the application of e-VI accepts the problems of trust and authenticity, ensuring ethical use, transparency and protecting users from the forced formation of atypical moral frameworks.

F. Artificial moral agents Metaverse.

An artificial moral agent (AMA) – is a system created by humans that can make decisions and act based on moral principles or norms. This category includes different types of objects that can be endowed with certain rights and duties [23, 24]. A modern object in the Metaverse and its properties are at the stage of research [25, 26, 27].

G. Simulacra.

Simulacra – are copies that do not have the original, or images that replace reality, creating the illusion of the presence of something that does not really exist in its original form. The term comes from philosophy, specifically from the works of Jean Baudrillard [28], who described simulacra as objects that function without contact with the reality they supposedly represent [29, 30]. In the modern context, simulacra are often associated with digital objects, virtual images, or artificial constructions that simulate reality [31, 32].

The purpose and functions of simulacra:

Replacing reality with digital virtual reality, which can be more functional, attractive, or convenient than physical reality [33, 34].

Manipulation of perception: influencing how people interpret the world, often blurring the line between truth and deepfakes, reality and reality simulation [35].

Simplification of communication: Simulacra can serve as symbols or models for conveying complex ideas in an accessible form [36].

Digital economy: simulacra are used to create products or services that do not have a material equivalent [37].

SIMULACRA SIMULATION

A. Wuhan Expendable or Chinese Room of Increased Complexity

The analysis of simulacra experiments [38] shows the significant potential of such technologies for predicting social and political phenomena, and the simulacra applying methods are being improved in accordance with the development and implementation of AI and immersive technologies. In 2023, as part of a study called "the Wuhan Experiment", the technology known as "China Room of Increased Complexity" was tested to create algorithmic copies of individuals [39]. This technology allows you to create highly accurate algorithmic copies of citizens of any country, reflecting specific cultural, social and political contexts, and formed a highly accurate forecast of the results of the US presidential elections held in 2024. The forecast based on the analysis of the AI simulacra model of average citizens preferences predicted a victory for the new president with a probability of 99% and a difference of 3 units for each party [40].

B. Stanford Simulacra Experiment

The study, dubbed the Stanford Simulacra Experiment (2024), is an important milestone in research on modelling human consciousness using generative artificial intelligence. This study was conducted as part of a joint project of Stanford University and Google DeepMind, using the latest generative AI model of large language models ChatGPT-4o. The main goal of the experiment was to create high-precision digital simulacra of individual consciousness of representatives of typical socio-demographic groups of the US population.

Methodologically, the experiment involved the selection of 1000 real American citizens who represented the US population as representative as possible in terms of such parameters as age, gender, level of education and political views. An in-depth two-hour interview of about 6500 words was conducted with each of the participants. After that, the transcripts of these interviews were used

to set up individual AI agents based on ChatGPT-4o. Thus, digital simulacra of individual consciousness were created, which personified the mental, psychological and behavioural characteristics of specific people.

At the next stage of the experiment, real participants and their digital simulacra underwent a series of standardized sociological and psychological tests, including the General Social Survey (GSS), the Big Five personality test, as well as five well-known behavioural and economic games, such as the dictator game, the public goods game, and five controlled sociological experiments. This allowed the researchers to directly compare the test results and behavioural responses of real individuals with the corresponding responses and reactions of their digital counterparts.

The results of the experiment demonstrated high accuracy of newly created simulacra. Digital copies were able to predict with 85% accuracy the responses of their human prototypes to the GSS test, which is significantly higher than the results of AI agents who used only basic demographic data. The results of behavioural experiments were even more convincing: in four out of five control tests, the reactions of simulacra were almost identical to those of real people, with a correlation coefficient reaching 0.98.

It was also noted that simulacra more accurately predicted the behaviour of different demographic, political, and ethnic groups, demonstrating consistently high accuracy and balance in comparing results between different social categories. This result indicates the significant potential of similar AI models in social and political analysis [41].

C. LLM «Centaur»

Centaur, a universal computational model of human cognition, created by retraining the Lama 3.1 70B open language model on a specialized large-scale Psych-101 dataset. The Psych-101 technology is fundamentally changing approaches to the application of AI in science and education, allowing AI models not only to simulate language, but also to reproduce complex scenarios of human behaviour. activities with almost no differences from real people. Thanks to this, AI not only communicates in natural languages at a level imperceptible to the interlocutor but also behaves adaptively in real time. The model opens great prospects for educational technologies, scientific research, strategic planning and modelling of complex social, economic and political processes [42].

METAVERSE AND CONTEMPORARY TOOLS FOR SOCEITY DIGITAL TRANSFORMATION

The modern development of the Metaverse opens a fundamentally new stage in the digital transformation of society, which acquires the features of a full-fledged digital state. Within this digital state, a wide range of technologies are used, including Layer 2 [43, 44], DePIN (Decentralized Physical Infrastructure) [45, 46], artificial intelligence (AI), decentralized autonomous organizations (DAOs) [47, 48], central bank digital currencies (CBDCs) [49, 50], SWIFT financial communication protocols, ISO 20022 standard [51], Ripple, JPM Coin, BlackRock (ETF) [52, 53] and PayPal stablecoin. These technologies are fundamental components of the digital infrastructure of modern society, which is increasingly functioning within the framework of virtual realities.

Layer 2 is a network protocol that complements the basic layer of blockchain infrastructure (Layer 1), significantly increasing its efficiency in the Metaverse and contributing to the digital identity systems formation, transaction verification, and the execution of smart contracts in real time. DePIN is based on the integration of blockchain and IoT technologies, forming transparent and secure physical ecosystems in the Metaverse.

AI in the Metaverse is a key technological element enabling intelligent Big Data analytics to create digital simulacra and personalized digital agents. AI is responsible for imitating human behaviour, ensuring the interaction of citizens with digital administrative services, predicting social reactions and optimizing decisions-making process by accurately modelling scenarios for the development of social processes.

Decentralized autonomous organizations (DAOs) create an innovative framework for organizing public governance within the digital state of Metaverse. DAOs implement democratic mechanisms for collective decision-making, minimizing the risks of centralization of power. They ensure transparency, reliability and active participation of citizens in digital self-government, which makes public administration processes more adaptive and accountable.

CBDCs (central bank digital currencies) play an important role in ensuring the financial stability of the Metaverse digital economy. The SWIFT protocol and the ISO 20022 standard provide uniform standards for international financial communications, allowing the digital state of Metaverse to effectively interact with the global financial infrastructure. The integration of these technologies forms a holistic, efficient and flexible infrastructure of the modern digital state Metaverse, which opens new opportunities for economic development, social engagement and democratic governance.

IoT, BIGDATA AND METAVERSE

There are billions of IoT devices in the world, located and operating from private to public locations, continuously transmitting giant data arrays to ecosystems. These IoT devices have almost no protection, information security applications, and their working software has not been updated since the devices were manufactured at the manufacturer's enterprise. The integration of big data from the Internet of Things (IoT) processed by artificial intelligence (AI) is key in shaping the Metaverse, a virtual environment that connects the physical and digital worlds. This synthesis explores the role of these technologies in the Metaverse, focusing on their applications, challenges, and future directions.

Artificial intelligence, IoT, and big data analytics (BDA) are critical to creating a dynamic Metaverse ecosystem that improves organizational innovation and productivity. These technologies allow for real-time data collection, as well as the creation of personalized applications and decision support systems that are essential for connecting disparate realities in a business context [54].

In the industrial sector, artificial intelligence and IoT are driving the development of digital twins and immersion environments. These technologies support smart manufacturing, predictive maintenance, and intelligent analysis of sensor data, which are vital for the economy and business management in the industrial Metaverse [55, 56].

Exploring the synergies between Artificial Intelligence of Things (AIoT) and Extended Reality (XR) technologies can lead to innovative applications in the Metaverse. This includes the use of artificial intelligence for real-time data analysis and decision-making, which can significantly empower virtual environments [57].

METAVERSE AS AN INNOVATIVE TERRITORY FOR MODELING SOCIAL RELATIONS BASED ON SIMULACRA, IOT, BIGDATA AND AI

The concept of the model "Metaverse as an innovative territory for modelling social relations based on Simulacra, IoT, Big Data and AI" reflects a complex multi-layered architecture in which IoT and AI interact in the Metaverse simulacra space (Fig.1). Let's consider this concept in a more detailed academic analysis, considering technological, social, political and legal aspects.

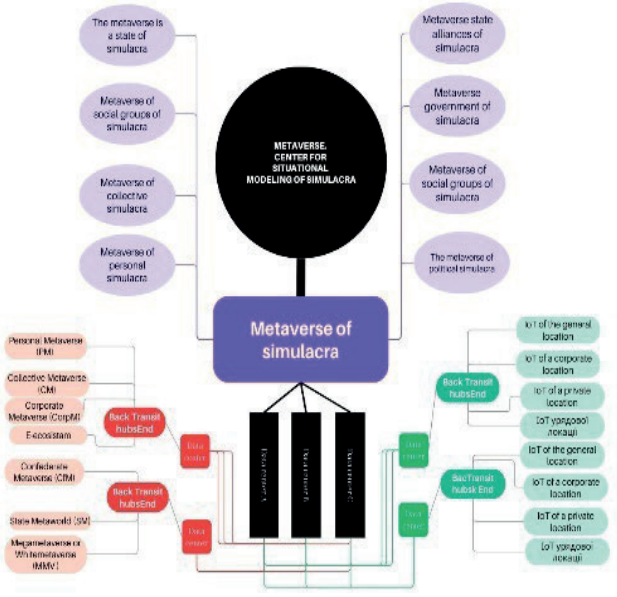

Fig.1 Metaverse as an innovative territory for modelling social relations based on Simulacra, IoT, Big Data and AI

At the lowest level of the model, there are IoT devices that are dispersed around the world and operate in different locations: private, corporate, public and government. IoT devices can act as autonomous units that collect specific information or as parts of more complex technological ecosystems, such as smart cities, corporate networks, or governmental management and monitoring systems. The continuous flow of data generated by these devices plays a key role in shaping a holistic information landscape for further analysis.

Information flows (Big Data) received by IoT devices are directed to transit hubs – specialized data routing points. Their main function is to aggregate, structure, pre-filter, and route large amounts of information to high-performance AI processing centres. The illustration shows transit hubs ("Back Transit hubsEnd") as intermediate nodes that provide efficient data transfer from IoT to powerful data centres.

Corporate AI centres (Data Centres), presented in the diagram, are a critical link in the entire process. It is here that Big Data is systematically analysed and interpreted with the help of powerful machine learning and deep learning algorithms which provide digital replicants of real physical objects and subjects.

The next level of this model is related to the Metaverse space, where digital avatars (simulacra) are formed and acquire predetermined properties and characteristics corresponding to their real-world counterparts or prototypes. In the space of this structure, simulacra can be personal (individuals), collective (social and corporate groups), political (parties, government and state structures) or even confederal and global ("Megametaverse", "State Metaworld"). The hierarchical structure of simulacra allows you to create multi-level models of social interactions, political decisions, economic strategies and other social phenomena.

In the centre of the scheme is the "Centre for Situational Modelling of Simulacra in the Metaverse" ("Metaverse. Centre for Situational Modelling of Simulacra»). It has three functional tasks – integration, coordination and purposeful modelling of social and political processes. In this space, there is a simulation of the behaviour of individuals, population groups or entire states from various day-to-day situations to crisis. Situational modelling is an extremely effective tool for predicting public reactions, which allows you to optimize decision-making at all levels of management.

4. Conclusions.

The application of this approach has a significant practical potential in public administration. Through simulations, researchers can explore possible society reactions to reforms, crisis phenomena, changes in legislation or administrative procedures. This makes it possible to improve legal regulation, increase the efficiency of financing social programs, ensure a balance between security and personal freedoms, and implement policies aimed at supporting basic human values and human rights.

It is important to emphasize that the use of such technologies raises several ethical and legal challenges. It is necessary to provide mechanisms that prevent privacy violation and misuse of collected data, to ensure the system transparency, as well as to develop appropriate legal standards for its functioning. Thus, the academic environment needs to actively support the development of such systems to establish scientifically grounded boundaries and standards that ensure responsible and ethical use.

Thus, the illustration presents an ambitious but at the same time realistic and grounded concept that integrates the latest information technologies (IoT, AI) and socio-political models into a single system capable of significantly increasing the efficiency of public administration. The implementation of this approach can be an important step towards building a transparent, adaptive, socially responsible digital society.

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COMPARATIVE ANALYSIS OF PUBLIC ADMINISTRATION IN THE DEMOGRAPHIC SPHERE

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DOI: https://doi.org/10.61345/1339-7915.2025.4.9

Annotation. The article offers a comparative analysis of how states design and implement public administration in the demographic sphere – covering fertility, mortality, migration, population ageing, and spatial distribution. Using a mixed-methods approach (desk review of legislation and strategies, policy scoring across 30+ OECD/EU jurisdictions, and illustrative case studies from the Nordics, France, Germany, Canada, Japan, and several CEE countries), the study examines institutional architectures, instruments, and results. We contrast centralized demographic councils, inter-ministerial coordination units, and devolved municipal models; assess policy toolkits (cash transfers and tax credits, parental leave and ECEC expansion, active-ageing and long-term-care systems, talent-oriented migration schemes, regional repopulation programs); and evaluate enabling capacities (civil registration and digital population registers, data governance, foresight, and impact evaluation).

Findings show that durable outcomes arise where demographic policy is mainstreamed into labor, housing, health, education, and territorial planning; where monitoring frameworks connect indicators (TFR, net migration, old-age dependency, healthy life years) to budget triggers; and where implementation is co-produced with local governments and social partners. Nordic and French models excel at family policy/ECEC coverage; Japan and Germany illustrate ageing-readiness via long-term-care insurance and silver-economy activation; Canada and Australia highlight selective migration coupled with integration services. Common pitfalls include fragmented governance, short political cycles, and weak evaluation culture; cash-heavy but service-poor designs underperform. The article proposes a governance template: a legally mandated demographic strategy; a permanent coordination body with fiscal nudges; standardized data pipelines and ethics safeguards; routine quasi-experimental evaluation; and crisis clauses for shocks (pandemics, displacement, energy price spikes). The contribution is a practical comparative framework linking institutions to outcomes and a menu of reforms adaptable to diverse administrative traditions.

Key words: public administration, demographic processes, international practice, administrative and legal regulation, demographic policy, international organizations, migration, birth rate, mortality, national security, social policy, economic development, globalization, governance models, implementation.

1. Introduction.

Demographic change has moved from a background condition to a first-order driver of public policy. Persistently low fertility, rising longevity, accelerated migration, and internal spatial polarization reshape labor markets, health and pension systems, housing demand, education pipelines, and territorial cohesion. These shifts are not merely statistical trends; they are governance problems that require coordinated decisions by multiple public actors operating under fiscal, legal, ethical, and political constraints. As a result, the quality of public administration – its institutions, processes, and capacities – has become decisive for how effectively states manage demographic risks and convert them into opportunities.

Most scholarship and practice focus on *what* policies to adopt – child benefits, parental leave, long-term care insurance, or talent-oriented migration – while paying less systematic attention to *how* governments organize themselves to design, deliver, and evaluate those policies. Fragmented

mandates across ministries, weak intergovernmental coordination, underdeveloped data systems, and short political cycles often undermine otherwise sound policy ideas. Conversely, jurisdictions with similar instruments achieve different outcomes because of differences in administrative architecture (centralized vs. devolved), implementation capacity (workforce skills, digital infrastructure), and accountability mechanisms (targets, evaluation, and budgetary triggers). This gap between program content and administrative capability motivates a comparative inquiry centered on public administration rather than on policy menus alone.

2. Analysis of scientific publications.

The issue of public administration of demographic processes in international practice has been studied by both domestic and foreign scholars. Among Ukrainian authors, it is worth noting the work of G. Balabanova, Z. Varnaliya, O. Grishnova, E. Libanova, N. Ryngach, L. Tarangula, O. Shnyrkov, who analyzed state regulation of demographic processes and socio-economic aspects of population reproduction. A. Degtyar, O. Dolinchenko, M. Kravchenko, O. Malinovska and N. Vasyliev made a significant contribution to the development of methodology and conceptual and categorical apparatus of management in this area. Among foreign researchers, it is worth highlighting A. Bressand, A. Vyshnevsky, O. Zakharov, L. Lindberg, B. Rosamund, W. Wallace, who focused on international legal standards and institutional models of demographic policy. Generalization of scientific approaches allows us to state that in international studies, public administration is considered as a multi-level process that contributes to international, regional and national mechanisms for regulating demographic changes.

3. The aim of the work.

The aim of the article is to study the international practice of public administration of demographic processes, taking into account various administrative and legal models, institutional mechanisms and instruments. Particular attention is paid to the possibilities of adapting effective foreign approaches to national conditions in order to increase the effectiveness of demographic policy.

4. Review and discussion.

Demographic processes are now viewed as one of the main determinants of a state's development: they directly shape socio-economic trends, labour potential, living standards, and the level of national security. The configuration and dynamics of the population determine the size and quality of the labour market, consumer demand, the degree of social stability, and the prospects for economic growth. Under conditions of globalization, intensive international mobility, and active migration flows, demographic change transcends national borders and requires analysis from an international perspective.

Rising average age, declining fertility, large-scale forced and economic migration, as well as the consequences of war, generate complex challenges for public administration. These require flexible and effective administrative-legal instruments capable of simultaneously maintaining social balance, economic competitiveness, and demographic security. At the same time, global experience shows there is no universal model suitable for every country.

Global demographic trends differ markedly by region. In the EU, Japan, and South Korea, population ageing combined with low fertility predominates, forcing labour shortages to be offset by immigration. By contrast, South Asia, Africa, and Latin America record high population growth rates driven, inter alia, by early marriage (for example, Iranian law provides very low minimum ages for entering into marriage), religious norms, traditions of large families, and restrictions on abortion [1, p. 10]. Each year about 130 million people are born worldwide and about 50 million die, yielding an absolute natural increase of roughly 80 million people [2]. If such growth rates persist, serious socio-economic and environmental risks will arise in the future.

Forecasts suggest the world's population may reach 8.3 billion in 2025 and 9.2 billion in 2050 [3]. This prompts governments to seek effective population policies. In most developing countries, as

well as in China, the priority is to slow natural increase: benefits for "small" families, information campaigns on the advantages of fewer children, raising the minimum marriage age, and in some cases economic sanctions, including taxes, for large households [4]. The vast majority of developing countries support international family-planning programmes: restricting early marriage, promoting contraception, and expanding women's participation in public life. UN-led population programmes financed by international aid play a significant role (in 2010 – about USD 10 billion, of which 5% for family planning, 18% for reproductive health, and 71% for HIV/AIDS prevention).

In developed countries, policy moves in the opposite direction: the state stimulates fertility through financial support for families with children, improved access to quality health care, and social services. Overall, regulatory measures have already produced tangible effects: in countries that officially set a goal of reducing fertility, the total fertility rate fell by 3.1 over the last 35 years; in those that did not declare such a goal – by 2.2; and even where an increase was sought – there was a decline of 1.6. According to S. P. Kapitsa's mathematical models, with sustained family-planning policies in "periphery" countries, absolute population growth will gradually diminish, approaching stabilization as fertility and mortality converge [5].

The shift from a hyperbolic growth trajectory to a logistic (stabilizing) one is due, in particular, to declining fertility first in developed countries and now in many developing ones. Changing values favour "quality upbringing of one or two children" over the pursuit of large families. Studies confirm a direct link between living standards and the type of population reproduction: in highly developed states (high per-capita incomes, advanced education and health systems) a narrowed or simple type prevails, whereas in countries with low indicators an expanded type dominates. Length of schooling – especially for girls – is decisive: more years in education correlate with lower subsequent fertility.

Another global challenge is the shrinking cohort of working-age people in advanced economies, threatening labour shortages. The problem can be partly alleviated by mobilizing older workers and attracting migrants. Excessive ageing, however, risks dampening innovativeness, since the core of technological creation and diffusion falls within ages 20-60. UN estimates indicate that the combination of low fertility and falling mortality since the 1980s has accelerated global ageing: between 2015 and 2050 the number of people aged 65+ will increase 2.6-fold to 1.6 billion (16%), and by the mid-2030s those aged 80+ will outnumber infants (under 1), reaching 265 million; by the late 2070s – 2.2 billion [6;7]. The process is most intense in Europe: by 2050 older persons are expected to account for 27.6% of the population. In France, life expectancy is among the highest (about 82 years for women and 70 for men), while the retirement age is 62 regardless of sex. In Germany, those 65+ already constitute about one-fifth of the population, and within 10-15 years their share may rise to 50%. In Italy, people aged 60+ made up 24.1% in 2000, and by 2050 this may reach 42.3%; those 65+-from 18.1% to 35.9% [8, p. 175]. Absent migration, the EU's population would already have shrunk by about 500,000 in 2022; immigration has thus become a key factor sustaining population and the labour force [9].

At the same time, the EU experiences strong internal migration flows that reshape regional demography. Territories attracting younger and more qualified migrants show dynamic labour markets, growth, and rapid urbanization – together with rising demand for energy and housing and shifts in land use that require adapted urban planning. By contrast, some cities – especially in former industrial regions – face stagnation, with high unemployment, poverty, and social exclusion.

Another significant challenge is the intra-European "brain drain," driven by structural youth unemployment, shortcomings in education systems, unfavorable working conditions, and political instability in certain regions. International indices place Ukraine among the leaders by scale of high-skilled emigration. To counter this, the European Commission launched the Policy Support Facility (PSF), which assists EU member states in designing, implementing, and evaluating reforms in research and innovation. Within national recovery and resilience plans, several countries are undertaking deep changes: for example, Latvia has carried out a comprehensive higher-education reform, while Slovenia adopted a new Law on Scientific Research and Innovation, overhauling governance and funding of the research sector [10].

Intergovernmental organizations play a key role in shaping and developing national demographic policies by producing universal and regional standards of legal regulation. The United Nations, acting through its institutions (UNFPA, the Department of Economic and Social Affairs, and the Commission on Population and Development), conducts systematic monitoring of global demographic trends,

prepares analytical reports with forecasts, and issues recommendations to member states on improving policy in line with agreed international approaches [10].

The International Labour Organization, relying on its conventions, recommendations, and protocols, sets legal benchmarks for decent work, the regulation of international labor migration, and the integration of migrants into host-country labor markets. In its approach, demographic shifts are treated as an integral component of socio-economic security, emphasizing the interdependence between population structure and the legal mechanisms that ensure adequate employment.

The Council of Europe influences national legal policy through framework documents, resolutions, and recommendations addressing human rights in the context of demographic transformations – from protecting migrants' rights and promoting gender equality to safeguarding vulnerable groups. Although much of this output takes the form of soft law, it is widely used as guidance when preparing and implementing national strategies and legislation.

The influence of international organizations is realized primarily through international legal instruments (conventions, declarations, resolutions, and framework programs) that set general principles and standards – binding or recommendatory – and establish institutional mechanisms for coordination among states.

The extent to which such norms are implemented domestically depends directly on a state's institutional capacity, the maturity of its administrative-legal institutions, and the political will of public authorities to adapt international standards to national socio-economic realities. Practice shows that effectively internalizing international approaches can catalyze the modernization of the national administrative-legal mechanism of public administration in the demographic sphere.

5. Conclusions.

The results of the study confirm that modernizing national models of public administration of demographic processes must rest on a systemic, evidence-based, and institutionally embedded approach. Its backbone is the integration of best international practices into national law and managerial procedures, taking into account Ukraine's realities of war, recovery, and European integration. A key precondition is the creation of a unified information-analytical contour for demographic data – from continuous collection and validation of indicators to forecasting and strategic planning with clear performance metrics. Such a system should operate on the principles of interagency interoperability (uniform exchange protocols, registry interoperation), cybersecurity, and adherence to privacy and personal data protection standards.

No less crucial is strengthening interagency coordination. Clear mandates and accountability of public bodies, stable decision-coordination procedures, and the avoidance of overlapping functions are needed. Ideally, a standing coordination body (an interagency council) should be institutionalized with powers to shape, monitor, and adjust demographic policy at all levels – from national to municipal – engaging academia, business, and civil society. This will allow swift conversion of analytics into policy decisions, and decisions into budget-backed programs.

Migration governance should balance three dimensions: labor-market needs, social integration, and security. It is advisable to align national norms with international treaties on the protection of migrant workers while streamlining entry and employment for highly skilled professionals, researchers, and entrepreneurs. In parallel, a talent retention and return policy (scholarships, "career bridges," tax incentives, research support) should be deployed and integrated with regional human-capital strategies.

The family-demographic pillar requires a shift from fragmented benefits to a coherent, impact-tested policy: targeted tax and cash instruments to support parents, affordable housing for young families, an extensive childcare network, flexible work arrangements, and comprehensive coverage of reproductive health and prevention. Every tool should be underpinned by impact evaluation (ex ante/ex post), clear KPIs, and mechanisms for discontinuing ineffective spending. Territorial differentiation is essential – diverse regional demographic profiles call for tailored mixes of incentives.

Transparency and accountability are prerequisites for trust and resilience. Regular public reporting using harmonized indicators, open data on program execution, civic oversight tools, and independent

effectiveness audits must become standard. Particular attention should be given to a "crisis module" of demographic policy: accounting for losses, tracking internally displaced persons and their needs, reintegration of veterans and their families, and medical and psychosocial support – each embedded in codified rapid-response procedures.

Thus, a contemporary model of demographic public administration for Ukraine is not only updated legal norms but also a harmonized architecture of data, institutions, and financing that functions on principles of evidence, interagency coherence, regional sensitivity, and fiscal responsibility. Comprehensive implementation of international standards adapted to national conditions will increase the resilience of the demographic system, strengthen human capital, and lay the foundation for long-term inclusive growth and security.

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DIGITALIZATION OF THE OCCUPATIONAL HEALTH AND SAFETY SYSTEM

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DOI: https://doi.org/10.61345/1339-7915.2025.4.10

Annotation. The article considers how a high occupational safety culture is beneficial to employees, employers and the state. It is emphasised that AI can be used to solve the following issues: assessing risks in the workplace; preparing materials for training and briefings; developing questions to test knowledge of a specific regulatory legal act on labour protection; conducting and analyzing audits of the state of labour protection during work and operation of machines, mechanisms, and equipment; developing and updating documents; investigating and analyzing accidents and incidents; planning comprehensive measures for established safety, occupational hygiene, and production environment standards, improving the existing level of labour protection, preventing industrial injuries, occupational diseases, accidents, and fires; planning work of labour protection specialists with task priorities. Various prevention methods have proven effective in preventing accidents at work and in increasing labour productivity. Only through social dialogue can employees, employers and governments come together to address the complex issues surrounding artificial intelligence and employment, and ensure that all work is decent work. However, along with the benefits, digitalization brings new challenges, including issues of ethical data use, protection of personal information, the risk of discrimination due to algorithmic bias, and the blurring of boundaries between work and personal life. New technologies will change the field of occupational health and safety, in particular through task automation, the use of smart tools and safety monitoring systems, the use of augmented and virtual reality, as well as algorithmic work management. The digital transformation of work has led to the evolution of forms of work organization, such as remote work and digital work platforms. Technologies, approaches, and management of the economy of Ukraine and the whole world are changing.

Key words: digitalization, labour rights, employee, occupational health and safety.

1. Introduction.

The digital era presents a conundrum of balancing productivity imperatives with upholding employee rights. In 2022, the International Labour Conference added OSH as a fundamental principle and right at work. Two of the 11 fundamental instruments are OSH-related: the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) [1]. Convention No. 155 establishes a broad framework for OSH, requiring national policies and identifying employer and worker responsibilities in the workplace; while Convention No. 187 complements this approach by emphasizing preventive safety cultures, continuous improvement and national OSH systems. As of 2025, Convention No. 155 has been ratified by 87 countries and Convention No. 187 has been ratified by 73 countries. Both Conventions aim to protect and advance the physical and mental health of workers and to prevent occupational accidents, injuries and diseases.

2. Analysis of scientific publications.

In the legal literature, research on the impact of international standards of labour rights on digitalization on labour relations has already been subjected to scientific analysis by such domestic and foreign scientists as L. Addati, V.M. Andriyev, M. Arena, J.Angelici, M. Bai, M. Belizon, R.T. Blanpain, V. Burak, L.P. Garashchenko, G.R. Carroll, A. Chapman, L. Chang, K. Donovan, R. Epstein, P. Gal, J. Geary, N.D. Getmantseva, J. Golden, L. Gonsalves, T.W. Greer, C. Freudenberg, W. Leidecker,

L.F. Losma, N.B. Kurland, D. McCann, U. Menz, G. Nicoletti, B. Pangert, S.C. Payne, L. Pauls, P.D. Pylypenko, S.M. Prylypko, C.A. Profeta, Ponce Del Castillo A., V.F. Puzyrnyi, P. O'Reilly, B. Rogers, D. Samaan, C. Schuchart, Ya.V. Simutyna, A. Spurgeon, O.M. Rym, M. Vartiainen, S. Verick, S.V. Vyshnovetska, A.M. Yushko and others.

3. The purpose of this article is to research issues of ensuring the right to safe and healthy working conditions in the context of digitalization.

4. Review and discussion.

The contemporary realm of labour law stands as a reflection of society's evolving values, dynamics, and the intricate interplay between employers and employees [2]. In the wake of profound societal changes and technological advancements, the landscape governing employee rights and organizational duties has witnessed a remarkable transformation [3].

Striking the right balance between flexibility and protection, acknowledging the diverse needs of the workforce, and addressing issues of equality and well-being are central to the development of modern labour laws [4] that foster a fair and sustainable work environment.

AI has the potential to reshape the work environment of many people, by changing the content and design of their jobs, the way they interact with each other and with machines, and how work effort and productivity are monitored. Deployment of AI-enabled technologies in the workplace is still at an early stage, and at this moment, it is an open question whether AI will improve or worsen the work environment overall, and how this might differ across different types of AI [5], different employees and different modes of implementation.

Director-General of the ILO Gilbert F. Houngbo. If you prefer a positive surge of intellectual attention to job creation, you can always avoid potential problems in the labour market. Based on this, the ILO, the CEO thought that educational intelligence could be a pure positive factor of interest. «While jobs are being drawn in, a large number of new jobs can be created. We expect that the spill between the destroyed and created works will be in favour of the remaining ones», — he explained [6].

The ILO's normative framework — rooted in the Declaration of Philadelphia and the Fundamental Principles and Rights at Work — provides a well-established ethical and legal foundation for understanding rights in the workplace. Yet these principles are largely absent from AI ethics frameworks. This gap leaves issues, such as algorithmic management, worker surveillance, recruiting or automation-related displacement, without a clear ethical anchor. Closing this gap would require deliberate efforts to integrate labour rights into the global AI ethics debate [7]. Linking AI ethics with ILS could provide a concrete normative reference for national policies and corporate accountability mechanisms.

From an ILO perspective, the Decent Work Agenda remains key for assessing both the benefits and challenges arising from the development and deployment of AI. In practice, responding to the opportunities and challenges posed by AI will involve applying existing policies and regulations, while adapting and developing new strategies and governance frameworks where needed, in line with international labour standards and through social dialogue (e.g., to address the platform economy).

There are three areas we need to look at: first, address the negative impact of AI through redeployment, social protection and active labour market policies (e.g., employment services); second, enhance digital skilling and upskilling to support access to new technologies, along with measures to assist small businesses to overcome the digital divide and take advantage of opportunities; and third, strengthen governance mechanisms to ensure rights are protected in the workplace (e.g., safeguarding against discriminatory algorithms)[8].

The use of AI in occupational safety and health is a revolutionary step, significantly improving safety at enterprises. AI innovations help not just react to hazards, but also prevent them at an early stage, thereby preserving the lives and health of employees and improving enterprise efficiency.

For instance, one of the most common forms of AI used at work nowadays include text editors and autocorrect features, which have evolved from simple mistake detectors to systems using algorithms to identify incorrect language use, offer corrections and even predict text while writing, seemingly reading people's minds. AI is also employed in automated vegetable harvesting in farms, self-driving cars, chatbots used in customer support, systems optimising supply chains, quality control and project management, automated grading in education, and many more. This technology therefore appears in very different forms and can be integrated in many sectors and jobs, each presenting their own possibilities and risks [9].

Robotics in healthcare - improving safety and reducing risks. From diagnostics and disinfection to surgery and patient assistance, robotics plays a decisive role in the protection of medical workers. Robots help protect workers by reducing radiation exposure during MRI scanning and X-rays and minimising the risks of infection by transporting patients, sanitation and autonomous disease testing [10].

Automation and AI systems can eliminate repetitive and routine kinds of clerical or administrative tasks, such as form-filling and processing applications or legal acts.

In customer service, for example, AI-driven chatbots and virtual assistants [11] can handle complex enquiries, reducing the workload for human representatives.

A recent study found that AI could help automate around 84 per cent of repetitive transactions across 400 government services in the UK [12].

In healthcare, interactive robots ease workloads by collecting vital signs and patient data, allowing professionals to focus on complex tasks and patient care.

Smart digital systems are increasingly used in high-risk sectors such as mining, construction, agriculture, textiles and chemicals, where physically demanding work and hazardous conditions heighten accident risks. These technologies provide continuous monitoring, enhancing worker protection and reducing risks [13].

Wearable technologies help mitigate common workplace hazards, including slips, trips, falls and exposure to harmful substances. Devices equipped with accelerometers detect improper posture and movements, alerting workers to unsafe lifting techniques and ergonomic risks [14].

Wearable air quality sensors monitor volatile organic compounds, carbon monoxide and other toxic gases, providing real-time exposure alerts to protect workers from respiratory hazards.

Surveillance in the workplace targets thoughts, feelings and physiology, location and movement, task performance and professional profile and reputation.

At the same time, it is necessary to consider that in the standard workplace, more aspects of employees' lives are made visible to managers through data. Employees' work/non-work boundaries are contested terrain. The surveillance of employees working remotely during the pandemic has intensified, with the accelerated deployment of keystroke, webcam, desktop and email monitoring. Excessive monitoring has negative psycho-social consequences including increased resistance, decreased job satisfaction, increased stress, decreased organisational commitment and increased turnover propensity [15]. The design and application of monitoring, as well as the managerial practices, processes and policies which surround it influence the incidence of these psycho-social risks.

Even when they are not in the office, workers generate a sea of data through their interactions on email, Slack, text and instant messaging platforms, videoconferences, and the still-not-extinct phone call. With the help of AI, this data can be translated into automated, real-time diagnostics that gauge people's health and well-being, their current risk levels, and their likelihood of future risk [16].

Thus, introducing smart digital systems at the workplace can have negative implications if the limitations of these systems are not made clear to the workers. For example, a major chemicals company that has introduced a smart OSH monitoring system that warns forklift drivers when fellow employees are in their proximity stressed how important it is that drivers remain vigilant. This is because the system is based on an infrared camera that uses the reflective properties of employees'

vests in order to warn the forklift drivers. Therefore, in cases where employees might hold a box that covers these reflective properties, the system might not work. Similar examples exist in many smart digital systems [17]. Therefore, it is important to list them in order to ensure that employees tap the full potential of new systems and do not over-rely on them.

On-the-job training can be particularly effective in reducing risks at the workplace, with several manufacturers of the new systems showing through case studies the potential positive effects of such training across a wide range of sectors, including industrial facilities (e.g. warehousing, manufacturing, retail), construction, engineering, health and others. Often, such systems can personalise training depending on the users' characteristics (height, weight, age and others).

Remote work poses challenges for employers in ensuring a safe and healthy working environment. Without direct oversight or regular risk assessments, hazards such as poor ergonomics, environmental risks and inadequate safety measures can go unnoticed, amplifying OSH concerns [18]

According to the article 60-2 of Labour Code of Ukraine when performing remote work, the employee independently chooses his own workplace and shall be personally responsible for ensuring safe and healthy working conditions.

It should be emphasized that AI systems must always remain under human control, even in circumstances where machine learning or similar techniques allow for the AI system to make decisions independently of specific human intervention. Responsibility and accountability for labour rights violations that occur in the development, deployment or use of AI Systems must always lie with a natural or legal person, even in cases where the measure violating labour rights was not directly ordered by a responsible person.

The Cabinet of Ministers at its meeting on October 29 2025 adopted a resolution launching large-scale digitalization of the labor market, the core of which will be the digital system «Obriy». This was reported by the press service of the Ministry of Economy [19]. In «Obriy» it will be possible to: register the status of an unemployed person; apply for unemployment benefits; officially resign in the temporarily occupied territories; receive a grant for training or confirmation of qualifications. The main reasons are outdated business processes, insufficient digitalization of various state services in the field of employment, lack of information for effective analysis and forecasting trends in the labour market, etc.

Today, most administrative services provided by the State Labour Service of Ukraine are available online through convenient digital platforms.

Through this portal, you can submit applications for: issuing a permit to perform high-risk work and for the operation (use) of high-risk machines, mechanisms, equipment; obtaining a license to conduct economic activities for the production of explosive materials for industrial purposes; issuing a certificate for the storage (operation of a storage place) of explosive materials for industrial purposes.

5. Conclusions.

Attention should be drawn to key dimensions that future AI regulation should address: 1) Safeguarding worker privacy and data protection (trade unions at the national level should be able to cooperate with national data protection authorities, provide them with advice about the specific situations of workers, and encourage them to develop guidelines on data protection and privacy at the workplace); 2) Addressing surveillance, tracking and monitoring (in certain contexts, workers interact with technologies, apps, software, tracking devices, social media or devices in vehicles, which monitor their health, biomedical data, communications and interactions with others, as well as their levels of engagement and concentration or their behaviour); 3) Making the purpose of AI algorithms transparent (algorithmic fairness at the workplace implies designing algorithms while taking into account social implications such as: who are the targeted individuals; what are the tradeoffs made in the input of values and variables, like race, gender or socieoeconomic status; or how do algorithms make calculations orpredictions); 4) Ensuring the exercise of the 'right to explanation' for decisions made by algorithms or machine learning models (automated decisions can impact workers negatively: incorrect performance assessment, the allocation of tasks based on the analysis of reputational data,

or profiling. Moreover, algorithmic decisions can have a bias that manifests itself in many forms (in the design, data, infrastructure, or misuse of the model), all influencing the results. In such situations, the 'right to explanation' is essential); 5) Boosting workers' autonomy in human–machine interactions (workers make the final decision, using the input provided by a machine) [20].

Lastly, it will be important to understand that digitalisation is reshaping the world of work, offering new opportunities for OSH: 1) Automation can significantly enhance workplace safety and health by reducing hazardous exposures; 2) Smart OSH tools and monitoring systems improve risk detection and response, through real-time data and predictive analytics; 3) Extended reality technologies revolutionize OSH training and hazard awareness; 4) The growing use of algorithmic management is reshaping workplace dynamics, influencing how tasks are assigned, monitored and evaluated [21]. And the list is not exhaustive. At the same time, the integration of digital technologies can also introduce new physical, organizational and psychosocial risks, which must be carefully assessed and managed. Consequently, only joint efforts of the social partners of Ukraine play a key role in shaping digitalisation policy by participating in decision-making, collective bargaining and leading awareness-raising initiatives to promote a fair and safe introduction of technologies.

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ENTITIES OF ADMINISTRATIVE AND LEGAL SUPPORT OF RESPONSE TO DOMESTIC VIOLENCE: CONCEPT AND SYSTEM

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DOI: https://doi.org/10.61345/1339-7915.2025.4.11

Annotation. The issues of the concept and system of subjects of administrative and legal support for responding to domestic violence are examined in the article. Attention is drawn to the fact that the effectiveness of the activities of such subjects depends on the quality of effective response to facts of domestic violence, provision of assistance and victims' protection, proper investigation of facts of domestic violence, bringing perpetrators to legal responsibility and changing their behavior. The range of subjects of administrative and legal support, which are subjects of legal relations, is analyzed, it is noted that in each individual case it is different and depends on the sphere of public administration, the activity in which these subjects provide. This also applies to such an area as preventing and combating domestic violence. It is emphasized that the key feature of a subject is the ability to exercise the rights granted and fulfill the obligations imposed. The status of a subject of law is determined by the norms of law and administrative and legal acts that grant it the corresponding rights and obligations. The rights, obligations and authorities of subjects of administrative and legal support for responding to domestic violence are characterized. An analysis of the doctrinal concepts of the subject of administrative and legal support for responding to domestic violence is carried out. The author's definition of the subject of administrative and legal support for responding to domestic violence is given as a subject of public administration, which, using administrative and legal means, methods and procedures, determines and organizes the implementation of state policy in the field of protecting human rights from violations, covering all spheres of public life, and aimed at combating domestic violence and bringing perpetrators to legal responsibility. It is concluded that preventing and combating domestic violence at the current stage of Ukraine's development is one of the important areas of its activity, since it is considered not only as a social problem, but also as a problem of protecting human rights, which requires the development of high-quality legal means of its solution. As a result of domestic violence, the rights and freedoms of a particular person are violated, who does not always have the financial means for self-defense, and, accordingly, requires intervention from the state and society. The place of centers for providing free legal aid in the system of preventing and combating domestic violence is determined.

Key words: subjects, administrative and legal support, domestic violence, prevention, counteraction, centers for providing free legal aid.

1. Introduction.

The Law of Ukraine "On Prevention and Counteraction to Domestic Violence" declares that the state policy on preventing and combating domestic violence is aimed at ensuring a comprehensive integrated approach to overcoming domestic violence, providing comprehensive appropriate assistance to persons affected by such violence, and strengthening a non-violent model of behavior in private relationships.

Solving the problems of preventing and combating domestic violence is one of the important vectors of social development today. It is considered not only as a social problem, but, first of all, as a problem of protecting human rights and, above all, women's rights that requires the development of appropriate legal means of its solution. When committing domestic violence, the rights and freedoms of a particular person are violated, which, due to the different capabilities of the aggressor

and the victim, complicates the possibilities of self-defense and requires intervention by the state and society [1, p. 5]. Thus, a person who has suffered from domestic violence is a special category of persons who need legal services, including the provision of free secondary legal aid. Therefore, the state creates competent bodies that carry out activities in the field of preventing and combating domestic violence, which are subjects of administrative and legal support for responding to domestic violence.

2. Analysis of scientific publications.

Problems of theory and practice of the activities of subjects of administrative and legal support of response to domestic violence in Ukraine are a traditional subject of scientific research by such domestic scholars as A. Berendiieieva, M. Veselov, K. Hurkovska, K. Dovhun, O. Kovalova, R. Pylypiv, V. Sakhniuk and others. The works of D. Ivanenko, M. Lehenka, A. Manzhula and other scholars are devoted to certain aspects of administrative and legal regulation of combating domestic violence. However, a special study of the concept and system of subjects of administrative and legal support of response to domestic violence has not been conducted, which also confirms the relevance of the chosen research topic.

3. The aim of the work.

The purpose of the article is a comprehensive study of the concept and system of subjects of administrative and legal support for responding to domestic violence, as well as an analysis of their activities.

4. Review and discussion.

The fight against domestic violence goes far beyond the criminalization of the actions of individuals (offenders). This area of public and legal activity includes interference in the private lives of adults and minors (family members, relatives, other persons who are connected by a common life) in an attempt to change their most intimate behavior (and this concerns not only sexual relations, but also customs, religious beliefs, creeds, traditions, etc., which cannot be considered as a justification for any forms of domestic violence) [2, pp. 187-188]

According to the Part 2 of the Article 5 of the Law of Ukraine "On Prevention and Counteraction to Domestic Violence", the main directions of implementing state policy in the field of prevention and counteraction to domestic violence are:

1) prevention of domestic violence;

2) effective response to facts of domestic violence by introducing a mechanism of interaction between entities implementing measures in the field of prevention and counteraction to domestic violence;

3) provision of assistance and protection to victims, ensuring compensation for damage caused by domestic violence;

4) proper investigation of facts of domestic violence, bringing perpetrators to legal responsibility and changing their behavior [3].

In order to implement the above-mentioned areas, a system of entities that carry out administrative and other activities in the field of preventing and combating domestic violence has been created in Ukraine.

The effectiveness of this activity, which is carried out mainly by state bodies, depends on the quality of effective response to domestic violence, provision of assistance and victims' protection, proper investigation of domestic violence, bringing perpetrators to legal responsibility and changing their behavior. This, in turn, depends on the level of legal regulation of these issues and the available means of organizational and legal measures [4, p. 184].

The range of subjects of administrative and legal support, which are subjects of legal relations, is different in each individual case and depends on the sphere of public administration, the activity in which these subjects provide. This also applies to such an area as the prevention and counteraction to domestic violence.

Prevention of domestic violence is a system of measures implemented by executive authorities, local governments, enterprises, institutions and organizations, as well as citizens of Ukraine, foreigners and stateless persons legally residing in Ukraine, and aimed at: raising public awareness of the forms, causes and consequences of domestic violence; forming an intolerant attitude towards violent behavior in private relationships, a caring attitude towards victims, primarily towards child victims; eradicating discriminatory ideas about the social roles and responsibilities of women and men, as well as any customs and traditions based on them.

Combating domestic violence is a system of measures taken by executive authorities, local governments, enterprises, institutions and organizations, as well as citizens of Ukraine, foreigners and stateless persons who are legally residing in Ukraine, and aimed at: stopping domestic violence; providing assistance and protection to the victim, compensating for the damage caused to them; proper investigation of cases of domestic violence, bringing perpetrators to justice and changing their behavior [5, p. 16].

The key feature of a subject is the ability to exercise the rights granted and fulfill the obligations imposed. The status of a subject of law is determined by the norms of law and administrative legal acts that grant it the corresponding rights and obligations. It is worth noting that the list of subjects of administrative law may change, since it depends on a purely legal feature, which is approved by administrative legal norms. It is administrative legal personality that is the key feature of a subject of law, which functions in the system of administrative law as its element and carrier. In turn, administrative law is the sphere of potential and actual relationships and interaction of subjects of administrative law [6, p. 65].

Manzhula A.A. understands the subject of administrative law in the field of combating domestic violence as a natural or legal person who is endowed with a set of administrative rights and obligations fixed in administrative and legal norms, has legal personality in the field of protecting the rights and defending the interests of persons who suffer or may suffer from this negative social phenomenon [7, p. 171].

Hurkovska K.A. thinks that the subjects that carry out measures in the field of preventing and combating domestic violence are public administration and local government bodies endowed with powers stipulated by law, their structural divisions, associations of citizens, enterprises, institutions, organizations regardless of ownership forms, as well as individuals - citizens of Ukraine, foreigners and stateless persons, who are endowed with the appropriate legal personality and enter into administrative and legal relations in the field of preventing and combating domestic violence and are aimed at preventing it, stopping it and bringing perpetrators to legal responsibility [8, p. 216].

Lehenka M.M. includes the subjects of administrative and legal response to domestic violence as state bodies, executive authorities and local self-government bodies and their structural divisions, associations of citizens, enterprises, institutions and organizations, as well as individuals who are the citizens of Ukraine, foreigners and stateless persons, who are endowed with the appropriate legal personality and enter into administrative and legal relations in connection with the commission of such violence and are aimed at its cessation, prevention in the future and punishment of the offender [9, p. 158].

Sakhniuk V. V. proposes to divide the entities participating in the organization of the system of free legal aid into those with general competence (Cabinet of Ministers of Ukraine, Ministry of Justice of Ukraine) and those with special competence (Coordination Center for Legal Aid, entities providing free primary legal aid and entities providing free secondary legal aid) [10, p. 309].

According to the provisions of current national legislation [3], authorities, territory of activity, practice of relations between entities providing free legal aid, the administrative vertical of entities providing free legal aid is as follows:

Coordination Center for the Provision of Legal Aid (hereinafter referred to as the Coordination Center);

entities providing free primary legal aid;

entities providing free secondary legal aid.

Analyzing the administrative "vertical" of subjects of free legal aid provision defined in the Law of Ukraine No. 3460-VI [11], D.D. Ivanenko notes that "it is not a full-fledged self-sufficient structure". The most important problem, in his opinion, is that employees of local centers do not have the legislative authority to provide the full range of legal protection, represent the interests of individuals and draw up documents of a procedural nature. The new edition of procedural codes in accordance with the norms of the Law of Ukraine "On Amendments to the Commercial Procedural Code of Ukraine, the Civil Procedural Code of Ukraine, the Code of Administrative Procedure of Ukraine and Other Legislative Acts" dated 03.10.2017 No. 2147-VIII [12] introduced new procedural institutions: "lawyer monopoly", "case of minor complexity", "minor case", "complex case", etc. As a result, employees of local centers that provide free secondary legal assistance in civil and administrative cases mostly have the right only to draw up individual procedural documents, and mostly do not have legislative powers to represent the interests of a person who has applied to the local center in courts. In other words, without lawyers included in the register of lawyers, local centers cannot fully represent the interests of individuals independently. To fully resolve this issue, it is necessary to amend the current legislation to expand the circle of entities that represent the interests of individuals in administrative and civil cases on a par with lawyers, namely to include employees of local centers" [13, p. 120].

In turn, there are frequent discussions among scholars and practitioners regarding the classification of free secondary legal aid centers as subjects of free secondary legal aid. Thus, A.H. Harkusha, having analyzed their authorities, comes to the conclusion that the centers are assigned more organizational functions, but in no way protection functions. Among them, one can distinguish: issuing a mandate to confirm the powers of the defense attorney, making a decision on the provision or refusal to provide free legal aid, drawing up procedural documents [14, p. 19].

Artemieva N.P. has a similar position that the legislator's classification of free secondary legal aid centers as subjects of free legal aid is incorrect. First, free secondary legal aid centers are territorial branches of the Coordination Center for Legal Aid, established directly by the Ministry of Justice of Ukraine. The main function of the centers is to verify applications of individuals for free legal aid, make decisions on the provision of such assistance and appoint a lawyer. Second, free legal aid centers are not subjects of professional legal aid, which are exclusively lawyers. Third, direct provision of free secondary legal aid is carried out exclusively by lawyers [15, p. 6].

5. Conclusions.

Based on the above, it seems possible to formulate the concept of a subject of administrative and legal support for responding to domestic violence as a subject of public administration, which, using administrative and legal means, methods and procedures, determines and organizes the implementation of state policy in the field of protecting human rights from violations, covering all spheres of public life, and aimed at combating domestic violence and bringing perpetrators to legal responsibility.

Prevention and combating domestic violence at the current stage of Ukraine's development is one of the important areas of its activity, since it is considered not only to be a social problem, but also a problem of human rights protection, which requires the development of high-quality legal means of its solution. As a result of domestic violence, the rights and freedoms of a particular person are violated, who does not always have the financial means for self-defense, and, accordingly, requires intervention from the state and society.

Free legal aid centers has an important place in the system of preventing and combating domestic violence, which is due to their dual functionality: firstly, they provide free legal services for victims of domestic violence, and secondly, they prevent and combat domestic violence by implementing the function of legal education.

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PROSPECTS FOR THE LEGAL STATUS OF UKRAINIAN MIGRANTS AFTER THE END OF TEMPORARY PROTECTION

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DOI: https://doi.org/10.61345/1339-7915.2025.4.12

Annotation. The article explores the future legal status of Ukrainian migrants in the European Union after the expiration of temporary protection, focusing on the challenges, risks, and potential transition mechanisms that may shape their position within European legal systems. Temporary protection has ensured broad access to residence, employment, education, healthcare, and social services, functioning as an effective emergency instrument during the mass displacement caused by Russia's full-scale invasion of Ukraine. However, this regime is inherently temporary and does not provide an automatic pathway to long-term or permanent residence, which creates substantial uncertainty as the end of temporary protection approaches.

The study analyses the current guarantees provided under EU law, identifies the main limitations that may complicate future transitions, and highlights structural disparities among Member States in the implementation of temporary protection. Particular attention is given to the risks of losing legal residence, reduced access to welfare systems, and increased vulnerability to irregular status for individuals unable to meet documentation or administrative requirements. The article also examines the principal legal pathways available after 2026, including national residence permits, international protection mechanisms, labour-market-based schemes, and options for long-term residency.

Drawing on recent European research, institutional reports, and policy analyses, the article outlines three realistic scenarios: extension or reactivation of temporary protection, transition to national legal regimes, and the emergence of mixed or hybrid solutions at the EU level. The conclusion emphasises the need for harmonised planning, coordinated documentation policies, and predictable transition models to ensure legal continuity and protect the rights of displaced Ukrainians in the long term.

Key words: temporary protection, Ukrainian migrants, EU law, legal status, residence permits, international protection, migration policy, post-2026 scenarios.

1. Introduction.

The full-scale Russian invasion of Ukraine in 2022 produced one of the largest and most rapid waves of forced displacement in contemporary Europe. In response to the unprecedented scale of this humanitarian crisis, the European Union activated the Temporary Protection Directive, establishing a unified legal framework under which millions of Ukrainian citizens have been granted immediate access to residence, employment, education, and social services across Member States. While this mechanism has proven effective as an emergency instrument, it was never designed to serve as a long-term legal solution for protracted displacement. With the temporary protection regime scheduled to expire in 2026, the question of the future legal status of Ukrainian migrants is gaining strategic importance for the EU, Member States, and the displaced population itself.

The end of temporary protection will not automatically resolve the legal, social, and administrative challenges associated with the presence of a large migrant population whose return to Ukraine may remain unsafe or unrealistic due to ongoing hostilities, infrastructural destruction, and long-term instability. Consequently, understanding the potential legal pathways available to Ukrainians after the cessation of temporary protection is essential for anticipating risks, ensuring continuity

of rights, and shaping evidence-based migration policy. At the same time, the transitional period exposes significant gaps between EU law, national migration regimes, and the practical capacity of institutions responsible for processing residence permits, labour integration, and documentation.

2. Analysis of Source Materials.

Recent European scholarship extensively examines the evolution and limitations of temporary protection for Ukrainians. M. I. Ciğer emphasises that the Temporary Protection Directive was never intended for long-term displacement and warns that the absence of an EU-wide transition framework may generate legal uncertainty once the regime ends [5, p. 14]. C. Querton and I. Hnasevych similarly note that durable protection requires coordinated reforms, especially in documentation and access to national residence procedures [6, p. 4]. Policy analyses conducted for the European Parliament highlight that Member States pursue divergent models of transition, which may result in unequal opportunities for Ukrainian beneficiaries after 2026 [7, p. 2]. Complementing this, ICMPD outlines several realistic end-scenarios for temporary protection and stresses the risk of irregularity if termination occurs without transitional mechanisms [8, p. 3]. A broader critical perspective is offered by L. Näre and O. Tkach, who argue that the preferential and exceptional nature of temporary protection raises questions about its long-term sustainability within EU migration governance [9]. Additionally, technical assessments by EUAA reveal significant national discrepancies in implementing temporary protection, suggesting that these differences will heavily shape post-2026 legal outcomes [10, p. 18]. Overall, current research converges on the conclusion that while temporary protection has effectively addressed immediate humanitarian needs, its eventual termination poses complex legal and administrative challenges that demand coordinated and predictable solutions.

3. The aim of the work.

The aim of the work is to examine the future legal status of Ukrainian migrants in the European Union after the expiration of temporary protection, identifying the main risks, potential residence pathways, and realistic scenarios for transition to long-term legal stability.

4. Review and discussion.

The current legal status of Ukrainian nationals residing in the European Union under the temporary protection regime is shaped by a combination of harmonised guarantees established at the EU level and diverse national practices that determine the scope and practical accessibility of these rights. At the core of this framework lies Directive 2001/55/EC, which sets the minimum standards for lawful residence, access to essential services, and procedural protections for persons displaced by situations of mass influx [1, p. 2]. While the Directive obliges all Member States to provide a unified baseline of guarantees, it simultaneously grants them considerable discretion in how these standards are implemented. This has produced a fragmented legal and administrative landscape that varies significantly across the EU.

The principal guarantee common to all Member States is the right to lawful residence for the entire duration of temporary protection, enabling displaced Ukrainians to remain in the host country without undergoing the conventional asylum procedure [1, p. 4]. This residence status constitutes the foundation for a wide range of supplementary entitlements, including access to primary and secondary education for minors, essential healthcare, and protection against forced removal. The Council Implementing Decision 2022/382 further reaffirmed that all persons covered by temporary protection must be granted immediate access to EU territory and should not be subjected to restrictive border procedures, ensuring a high level of uniformity in initial reception conditions across Member States [2, p. 3].

Access to the labour market is among the most significant guarantees uniformly applied throughout the EU. Under temporary protection, Ukrainian nationals may work without the need for additional labour permits, a provision that stands in stark contrast to the more restrictive employment requirements generally applicable to third-country nationals. This measure has been crucial in

preventing economic exclusion and enabling rapid integration into local labour markets [3, p. 14]. Nonetheless, Member States display substantial variation in the practical implementation of this right. Germany and the Netherlands, for example, provide robust employment counselling, language training, and institutional support, whereas several Southern and Eastern Member States offer only basic access without comprehensive integration programmes.

Access to schooling for children is equally guaranteed across the EU, both under the Directive and under international human rights instruments, including the Convention on the Rights of the Child [4, p. 7]. Yet, the modalities of school enrolment vary considerably. Poland and Czechia have developed accelerated enrolment procedures and allow children to combine local education with Ukrainian online schooling. In contrast, Italy and Spain require full integration into national schooling systems, with instruction exclusively in the local language, which may create additional adaptation challenges.

Healthcare access, though guaranteed in principle, exhibits the greatest diversity in practice. The Directive requires Member States to provide at least essential and emergency healthcare [1, p. 7], but the scope of services differs widely. Germany, Belgium, and the Nordic countries offer broad public health insurance coverage that includes chronic disease treatment and preventive care. Meanwhile, Romania, Bulgaria, and some Mediterranean states restrict free access primarily to emergency services, requiring Ukrainians to purchase supplementary insurance for wider coverage.

Housing support demonstrates similarly divergent national approaches. Although Member States must provide access to accommodation, the Directive does not prescribe specific standards or forms of support. As a result, Poland initially introduced co-financed private hosting schemes and later shifted to time-limited subsidies, whereas Ireland and Portugal rely predominantly on state-run collective accommodation centres. Germany and Austria combine temporary shelters with structured municipal allocation systems. In contrast, Baltic States and Italy—with more limited housing resources - often face shortages, leading to overcrowding, waiting lists, or heavy reliance on private rental markets.

Social assistance likewise varies greatly. While the Directive mandates access to basic welfare "as necessary," the nature and amount of financial support remain fully dependent on national legislation. Germany integrates Ukrainians into its general Basic Security system, whereas Spain offers modest emergency allowances and Portugal focuses on service-based, rather than cash-based, assistance. Such differences have a direct impact on economic self-sufficiency and the long-term stability of displaced households.

Despite the disparities among Member States, the temporary protection regime has created a unique legal environment that ensures displaced Ukrainians a high degree of stability, mobility, and protection compared to other third-country nationals. Nevertheless, the flexibility granted to national administrations means that the practical experience of temporary protection is far from uniform. These differences will significantly shape the challenges and opportunities associated with transitioning to a new legal status once temporary protection comes to an end.

Although temporary protection has provided a broad and flexible legal framework for displaced Ukrainians, several inherent limitations embedded within the mechanism will critically shape their future legal transitions. The first and most fundamental limitation is the strictly temporary character of the regime. Directive 2001/55/EC clearly defines temporary protection as an emergency and exceptional measure, one that does not create expectations of permanence, does not establish a pathway toward long-term residence, and does not automatically accumulate residence periods for future legal statuses unless specifically recognised by individual Member States [1, p. 5]. This structural design means that, once the mechanism expires, beneficiaries must seek an entirely new legal basis under national migration laws.

A second limitation arises from the substantial divergences in national implementation. While the Directive sets minimum standards, it allows Member States wide discretion in determining the scope of housing support, social assistance, and healthcare. As a result, the level of rights varies significantly across the EU, which will directly affect migrants' ability to satisfy future residence conditions—particularly in states with limited welfare support or restrictive administrative procedures [2, p. 11]. These differences will inevitably lead to unequal opportunities for transition after temporary protection ends.

A third constraint concerns documentation and administrative capacity. According to the European Commission's operational reports, a notable share of Ukrainians still face challenges in renewing

passports or obtaining civil-status documents due to administrative pressure, mobility constraints, and disrupted Ukrainian consular services [3, p. 22]. Because most post-TP residence permits require valid documents, continuous identity verification, and proof of legal stay, these obstacles may significantly hinder migrants' eligibility for new legal statuses after 2026.

The termination of temporary protection is expected to create several significant legal and socio-economic risks for Ukrainian migrants across the European Union. The most immediate challenge concerns the potential loss of lawful residence. Temporary protection, by design, does not generate an entitlement to long-term or permanent residence, and Directive 2001/55/EC explicitly characterises it as an exceptional, time-limited measure without automatic transition mechanisms [1, p. 5]. Legal scholars also emphasise that the absence of an EU-wide post-TP framework increases the likelihood of status gaps and legal fragmentation across Member States [5, p. 3].

A second essential risk relates to the loss of social benefits and guaranteed public services currently available under temporary protection. Welfare support, healthcare access, and housing assistance are tied directly to the duration of the protection regime. Comparative studies demonstrate that any abrupt withdrawal or reduction of such support can create immediate vulnerability, particularly among individuals with heightened dependency on state assistance, such as elderly persons, single parents, and people with disabilities [6, p. 12]. Once temporary protection ends, Member States will no longer be obliged to maintain existing support schemes, which may result in stricter eligibility requirements or discontinuation of benefits [2, p. 9].

A third risk concerns the possibility of irregular or unstable status. Reports from the European Commission highlight persistent difficulties faced by displaced Ukrainians in obtaining or renewing essential documentation – including passports and civil-status certificates – due to administrative pressure and disrupted consular services [3, p. 22]. Academic research likewise notes that documentation barriers are a key predictor of irregularity during post-crisis transitions, particularly when national residence permits require valid identity documents and proof of uninterrupted legal stay [7, p. 8]. Individuals unable to meet such requirements may lose access to employment, healthcare, and education, and could face restrictive migration procedures.

Following the expiration of temporary protection, Ukrainian migrants will need to transition to alternative legal frameworks established by national and European Union law. The first and most accessible category of options consists of national residence permits based on employment, education, family reunification, or humanitarian grounds. Many Member States offer employment-based residence permits that require proof of stable income, an employment contract, and compliance with national labour laws. Studies show that employment pathways tend to favour migrants with higher levels of qualification and established labour market integration, while those in precarious or informal employment may encounter significant barriers [8, p. 6]. Humanitarian or "exceptional circumstances" permits, available for example in Germany, Italy, or Portugal, may provide a more flexible legal basis but often involve strict documentation requirements and discretionary decision-making by authorities.

A second legal pathway involves applying for refugee status or subsidiary protection. While most Ukrainians initially did not undergo asylum procedures due to the activation of temporary protection, EU and US scholarship notes that certain groups – such as activists, journalists, or individuals from heavily affected regions - may meet the criteria for international protection under the 1951 Refugee Convention or the Qualification Directive [9, p. 14]. However, the asylum system presents substantial procedural challenges, including lengthy processing times, varying recognition rates across Member States, and strict evidentiary standards. Moreover, the shift from temporary protection to the asylum regime may be particularly difficult for migrants who lack updated documentation or whose circumstances do not fit the traditional categories of individualised persecution.

The third possible pathway concerns long-term residence options. Under Directive 2003/109/EC, third-country nationals may qualify for EU long-term resident status after five years of legal and continuous residence, provided they demonstrate stable income, health insurance, and, in many states, language proficiency. The key question is whether time spent under temporary protection counts toward this five-year requirement. Some Member States – such as Italy, Belgium, and Lithuania—have formally recognized temporary protection periods as contributing to long-term residence accumulation, while others treat this period as legally separate. Research by EU migration scholars indicates that the recognition of temporary protection periods for long-term residence has become a central policy debate within the Union, with potential implications for labour market

stability and demographic planning [10, p. 4]. Where Member States do not credit temporary protection time, migrants may face delayed access to secure residence even after years of lawful stay.

Looking ahead to the conclusion of temporary protection, several realistic future scenarios emerge, each shaped by political developments, administrative capacity, and the evolution of the war in Ukraine. The first scenario involves a further *extension or reactivation* of temporary protection. Although the current legal framework formally limits the mechanism to a maximum duration, recent scholarship highlights that the European Union retains the political capacity to reactivate temporary protection in cases of continued instability or renewed mass influx, particularly if large-scale return remains unsafe or if host states depend on migrant labour to mitigate demographic decline [11, p. 9]. Policymakers in several Member States have already signalled that, should the situation in Ukraine not significantly improve, an extension would be both legally feasible and operationally necessary.

A second scenario envisions a *transition to national residence regimes*, whereby Member States progressively shift Ukrainian migrants into employment-based, humanitarian, family-reunification, or long-term residence frameworks. This scenario is consistent with broader EU migration governance trends, which increasingly encourage integration through labour markets and national legal systems rather than temporary collective mechanisms. Research by European migration experts suggests that Member States are likely to differentiate their approaches depending on labour shortages, administrative capacity, and national integration models, leading to uneven outcomes across the Union [12, p. 18]. Under such conditions, Ukrainians in countries with strong welfare systems and comprehensive integration programmes may transition smoothly, while those in more restrictive systems may face prolonged uncertainty.

The third scenario involves a *mixed or hybrid approach*, in which temporary protection expires formally but elements of it are retained or transformed into new, more flexible residence options. Scholars have proposed the possibility of an EU-wide "special status" for Ukrainians, comparable to regional protection schemes previously used in the Western Balkans or the United States' temporary protected status system. Such a model would preserve simplified procedures and mobility rights while gradually moving beneficiaries toward more stable residence arrangements [13, p. 5]. This hybrid scenario is considered increasingly realistic given the demographic needs of the EU, the long-term nature of the conflict, and the political preference in many Member States to avoid overburdening the asylum system with millions of individual applications.

5. Conclusions.

The analysis of the temporary protection regime and its implications for Ukrainian migrants demonstrates that the post-2026 legal landscape in the European Union will be shaped by structural constraints, uneven national practices, and the absence of a unified EU-level transition mechanism. Temporary protection has provided an unprecedented level of legal stability, mobility, and access to essential services; however, its inherently temporary nature and the lack of automatic pathways toward permanent residence create substantial risks once the mechanism expires. These risks include potential loss of lawful residence, reduced access to social welfare and healthcare, and increased vulnerability to irregular status for individuals unable to meet documentation or administrative requirements.

At the same time, the availability of national residence permits, international protection mechanisms, and long-term residence options indicates that multiple legal pathways remain open, though their accessibility will vary widely across Member States. Future developments will depend on political decisions at both national and EU levels, including whether temporary protection will be extended, replaced by national regimes, or transformed into a hybrid model offering greater legal certainty. The scenarios explored in the article highlight that no single solution will be uniformly adopted, and the prospects of Ukrainian migrants will be determined by a combination of administrative capacity, labour market dynamics, and evolving geopolitical conditions.

Overall, ensuring legal predictability and safeguarding the rights of displaced Ukrainians will require coordinated planning, harmonised transition measures, and a commitment to long-term integration strategies across the European Union. The choices made in the coming years will shape not only the future of millions of displaced persons but also the EU's broader approach to managing large-scale humanitarian crises.

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THE IMPACT OF MARTIAL LAW ON THE IMPLEMENTATION OF GENDER EQUALITY IN THE NATIONAL POLICE OF UKRAINE

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DOI: https://doi.org/10.61345/1339-7915.2025.4.13

Annotation. The article provides a comprehensive analysis of the theoretical, legal, and practical foundations for the implementation of gender equality in the activities of the National Police of Ukraine, with an emphasis on the impact of martial law as a double-edged factor. The content of the concept of gender equality in the public service is outlined, the principles of non-discrimination and equal opportunities are revealed, and the compliance of the national regulatory framework with international standards established by the United Nations, the Council of Europe, and the European Union is examined. The current state and dynamics of gender relations in the personnel structure of the National Police of Ukraine, the peculiarities of service for women and men in peacetime, as well as problematic aspects of the implementation of the principle of equal opportunities in the period prior to the introduction of martial law are analyzed. The study considers practical aspects of service in combat zones, social protection, psychological support, and the balance of professional and family responsibilities. Prospects for improving mechanisms to ensure gender equality are identified, including adaptation of internal procedures of the National Police to crisis conditions, implementation of gender-sensitive human resource management, enhancement of legal culture among leadership, and integration of gender issues into professional training. The results have practical significance for developing internal regulatory acts, managerial decisions, social protection programs, and state policies ensuring equal rights and opportunities in law enforcement.

Key words: gender equality, National Police of Ukraine, martial law, gender policy, law enforcement agencies, equal opportunities, social protection.

1. Introduction.

The introduction of martial law in Ukraine has significantly affected the functioning of security and defense agencies, in particular the National Police of Ukraine. In these conditions, issues of human rights, equality, and non-discrimination have become more acute, which are particularly relevant in the context of gender policy. Martial law is a specific factor that simultaneously creates new opportunities for the implementation of the principle of gender equality and generates additional risks of its violation. The existence of such opposing trends necessitates a scientific understanding of the dual impact of martial law on ensuring gender equality in the National Police of Ukraine, as well as the search for effective mechanisms for its implementation in conditions of increased professional and social pressures.

2. The methodological basis of the study is a combination of general scientific and specialized legal methods of cognition. In particular, the dialectical method was used to analyze the duality of the impact of martial law on ensuring gender equality; the formal-legal method was used to study the norms of national legislation and international standards in the field of gender policy; the systemic-structural method was used to determine the place of gender equality in the staffing mechanism of the National Police of Ukraine; the comparative legal method was used to compare approaches to ensuring gender equality in peacetime and under martial law; and the logical-legal and generalizing methods were used to formulate conclusions and proposals.

3. Research objective.

The purpose of this article is to conduct a comprehensive scientific analysis of gender equality in the National Police of Ukraine under martial law, taking into account the duality of its factors, as well as to develop theoretically sound and practically significant proposals for improving gender policy in the activities of law enforcement agencies.

To achieve this goal, the article sets out to accomplish the following tasks:

– reveal the essence and content of the principle of gender equality in the public service system;

– analyze the regulatory and legal framework for ensuring gender equality in the National Police of Ukraine;

– identify the peculiarities of gender policy implementation in the NPU before and after the introduction of martial law;

– to examine the positive and negative aspects of the impact of martial law on the professional activities of women and men in the police;

– to identify the main problems and risks of ensuring gender equality under martial law;

– to formulate proposals for improving mechanisms for ensuring gender equality in the activities of the National Police of Ukraine.

4. Presentation of the main material.

The issue of gender equality in the public service occupies an important place in contemporary legal doctrine, as it is directly related to the implementation of the constitutional principle of equality and non-discrimination. Gender equality in public service is seen not only as formal equality of rights between women and men, but as a real opportunity for equal access to service, promotion, participation in management decisions, and realization of professional potential.

In scientific literature, gender equality is defined as "a state of social relations in which women and men have equal legal opportunities to exercise their rights, freedoms, and legitimate interests in all spheres of public life" [1, p. 345]. In the context of public service, this approach is particularly important, as it concerns an area where the state acts as a direct employer and guarantor of human rights.

At the same time, as N.M. Onishchenko rightly notes, gender equality in public service cannot be reduced solely to declaring equal rights, since "real equality requires the creation of organizational, social, and legal conditions that compensate for actual inequality caused by historical, social, and cultural factors" [2, p. 111]. That is why the modern concept of gender equality in public service is based on a combination of formal-legal and material approaches.

The main principles of gender equality in public service include the principle of equal rights and opportunities, the principle of non-discrimination on the basis of sex, the principle of proportionality, and the principle of fairness. In the law enforcement sphere, these principles are supplemented by the principle of professional suitability and functional expediency, which necessitates taking into account the specifics of official duties without violating the rights of women or men. As T.M. Kharchenko notes, "ensuring equality in the activities of law enforcement agencies must be carried out taking into account the balance between security requirements and human rights standards" [3, p. 220].

International standards of gender equality play a key role in shaping national policies on ensuring equal rights and opportunities for women and men, particularly in the public service and law enforcement agencies. Universal and regional international legal instruments enshrine the basic principles that must be implemented in the domestic legislation of participating states. Within the United Nations system, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is of fundamental importance, with provisions aimed at eliminating both direct

and indirect discrimination. As L.O. Lutsk notes, "CEDAW has effectively established an international legal model for active state policy in the field of gender equality, which provides not only for the prohibition of discrimination, but also for the introduction of special measures" [4, p. 105].

The Council of Europe, in turn, has developed an approach to gender equality through the prism of human rights and democratic governance. The European Convention on Human Rights and the practice of the European Court of Human Rights have repeatedly emphasized that discrimination on the basis of sex is one of the most serious forms of violation of the principle of equality. European Union standards, in particular EU directives on equality and non-discrimination, also play an important role in shaping Ukraine's gender policy. In the context of European integration processes, the implementation of these standards has become systematic, as reflected in the strategies and programs for reforming the security and defense sector.

The implementation of international gender equality standards in Ukraine is carried out through the harmonization of legislation, the adoption of state programs, and the integration of a gender approach into the activities of public authorities. According to M.I. Kharvoniuk, "the effectiveness of the implementation of international standards largely depends on the institutional capacity of the state and the level of legal culture of officials" [5, p. 240].

Ukrainian national legislation enshrines the principle of gender equality as one of the fundamental principles of the legal status of individuals and citizens. The Constitution of Ukraine proclaims the equality of rights between women and men and prohibits all forms of discrimination, thereby creating a normative basis for the formation of gender policy in the public service sphere. A special legislative act in this area is the Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men," which defines the legal and organizational foundations of state gender policy. As I.V. Zhuravel notes, "this law was an important step in the transition from a declarative approach to institutional support for gender equality" [6, p. 107].

In the activities of the National Police of Ukraine, the principle of gender equality is specified through the provisions of the Law of Ukraine "On the National Police", legislation on public service and a number of departmental regulatory and legal acts. Of particular importance are the internal orders and strategies of the Ministry of Internal Affairs aimed at introducing a gender-oriented approach in personnel policy, professional training, and the official activities of police officers. At the same time, scientific literature draws attention to the problems of practical implementation of these norms. Thus, O.M. Bandurka emphasizes that "the formal enshrinement of the principle of gender equality is not always accompanied by effective mechanisms to ensure it, especially in conditions of increased workload and risks characteristic of law enforcement activities" [7, p. 306]. Thus, national legislation and departmental acts create a sufficient regulatory framework to ensure gender equality in the activities of the National Police of Ukraine, but the effectiveness of their implementation largely depends on the consistency of state policy, the level of legal culture, and the adaptation of gender mechanisms to the conditions of martial law.

Prior to the introduction of martial law, gender policy in the National Police of Ukraine was shaped by the reform of the law enforcement system and gradual adaptation to European standards of public service. One of the key indicators of the effectiveness of the implementation of the principle of gender equality is the state of gender balance in the personnel structure of the NPU. After the creation of the National Police of Ukraine, there was a trend towards an increase in the number of women in the structure of the law enforcement agency, which was in line with the national policy of equal opportunities. In our opinion, police reform has been a catalyst for expanding women's access to law enforcement, in particular through the updating of recruitment procedures and the reduction of formal restrictions. At the same time, the quantitative increase in women's representation has not always been accompanied by qualitative changes in the distribution of positions and official powers.

An analysis of the NPU's personnel structure during peacetime shows that women were mainly represented in middle and junior positions, as well as in support, personnel, analytical and preventive units. However, their share remained limited in management positions and units associated with increased risk. Thus, prior to the introduction of martial law, the gender balance in the National Police of Ukraine was characterized by positive dynamics in quantitative indicators, while maintaining structural asymmetry, which limited the full implementation of the principle of equal opportunities [8, p. 9].

Prior to martial law, service in the National Police of Ukraine was based on uniform legal requirements for police officers regardless of gender. At the same time, the practical implementation of these requirements revealed certain differences in the official status of women and men, caused by both objective and sociocultural factors. Female police officers were mostly involved in functions related to communication with the public, working with victims and minors, as well as analytical and documentary activities. This division of responsibilities reflects established gender stereotypes about the "acceptable" roles of women in law enforcement, which do not always correspond to their professional training and potential. Men, in turn, predominated in operational, patrol, and special units associated with physical exertion and increased risk. Although formally access to such positions was not restricted for women, in practice there were informal barriers related to personnel decisions and internal organizational culture.

Despite the existence of a developed regulatory framework, the implementation of the principle of equal opportunities in the National Police of Ukraine prior to the introduction of martial law was accompanied by a number of systemic problems. One of the key issues remained the gap between legislative declarations and actual management practices. Scientific research draws attention to the persistence of gender stereotypes in personnel policy, which manifested itself in approaches to the selection, evaluation, and promotion of police officers. In our opinion, inequality is often reproduced not through legal norms, but through the mechanisms of their application. Additional factors included limited opportunities to combine work responsibilities with family life and insufficient development of the system of social and psychological support for staff.

A separate problem was the lack of effective tools for monitoring compliance with the principle of gender equality and responding to cases of discrimination. This reduced the level of trust in institutional mechanisms for protecting the rights of police officers and contributed to the preservation of latent forms of inequality.

Martial law, as a special legal regime, has a comprehensive impact on all spheres of public life, including the functioning of public authorities and the implementation of gender equality principles. In the context of the activities of the National Police of Ukraine, martial law acts not only as a factor of increased mobilization of resources and human resources, but also as a catalyst for transformations in the system of gender relations. That is why it is appropriate to apply the category of "duality of factors" of martial law, which reflects the combination of positive and negative consequences of its impact on ensuring equal rights and opportunities for women and men [9, p. 3].

In scientific literature, the duality of legal phenomena is considered as the presence of internally contradictory but interrelated trends. As Drozd O.Y. notes, "extreme legal regimes, on the one hand, limit the effect of certain legal guarantees, and on the other hand, create conditions for the renewal of legal mechanisms and management approaches." In the case of gender policy in the National Police of Ukraine, martial law simultaneously expands the range of professional roles for women and exacerbates the risks of gender inequality [10, p. 114]. Thus, the duality of martial law factors lies in the fact that it acts as a factor of progressive change in the field of gender equality and, at the same time, as a source of new challenges caused by increased danger, workload on personnel, and the transformation of law enforcement priorities.

The introduction of martial law objectively necessitated the most effective use of the human resources of the National Police of Ukraine, regardless of gender. In these circumstances, traditional approaches to the distribution of official functions were reviewed, which contributed to the expansion of professional opportunities for female police officers and enhanced their role in ensuring public safety and law and order.

Female police officers have become more actively involved in operational, investigative, and patrol activities, as well as in units that ensure the functioning of the police in conditions of armed conflict. As M.I. Kharvoniuk rightly notes, "crisis conditions force state institutions to abandon formal restrictions and focus primarily on the professionalism and competence of their personnel" [5, p. 301]. This approach has contributed to a reduction in the role of gender stereotypes in personnel decisions. In addition, martial law highlighted the need for communication, analytical, and psychological skills possessed by both women and men, which led to a more even distribution of official tasks. This, in turn, had a positive impact on the perception of women as full-fledged law enforcement officers and contributed to the gradual establishment of the principle of equal opportunities at the practical level. Thus, the positive impact of martial law on gender equality has manifested itself in the expansion

of the professional roles of female police officers, their increased participation in management decision-making, and greater institutional recognition of their contribution to law enforcement.

Along with positive developments, martial law has exacerbated a number of problems that negatively affect gender equality in the National Police of Ukraine. First and foremost, these include a significant increase in workload, heightened physical and psychological danger, and limited resources, which complicates the implementation of social guarantees for police officers. In such conditions, there is a risk of a resurgence of discriminatory practices driven by pragmatic considerations of operational expediency. In my opinion, in times of crisis and emergency, the principle of equality often gives way to considerations of efficiency, which creates a threat of restricting the rights of certain social groups. In law enforcement, this can manifest itself in the unjustified restriction of women's access to certain types of official duties or, conversely, in placing excessive responsibilities on them without providing adequate support.

An additional negative factor is the influence of gender stereotypes, which in conditions of martial law may be reinforced by traditional notions of "male" and "female" roles in the security sphere.

Martial law has significantly changed the conditions and nature of the work of the National Police of Ukraine, especially in regions directly affected by armed aggression. In such conditions, female police officers, alongside their male colleagues, are involved in tasks such as ensuring public safety, evacuating the population, documenting war crimes, and maintaining law and order in de-occupied and frontline territories.

A distinctive feature of women serving in these conditions is the combination of a high level of professional responsibility with increased physical and psychological risks. The involvement of women in performing tasks in high-risk areas is evidence of institutional trust in their professional competence, but at the same time requires enhanced security and social protection guarantees. At the same time, practice shows that female police officers effectively perform their duties in conditions of martial law, which refutes traditional notions about their limited suitability for work in extreme conditions. Along with expanding professional opportunities, martial law exacerbates gender-based risks for National Police personnel. These risks include increased psychological exhaustion, threats to physical safety, and the risk of secondary victimization when working with victims of war crimes and violence.

Scientific research shows that women are more likely to experience emotional burnout under prolonged stress, while men are at risk of hiding psychological problems due to social expectations of "resilience." The lack of gender-sensitive psychological support programs can lead to reduced performance and violations of police officers' rights. In addition, during wartime, there is an increased risk of latent discrimination associated with management decisions made under conditions of time and resource constraints. This requires the introduction of a systematic gender analysis of management processes in the activities of the National Police [2, p. 115].

Ensuring gender equality in a state of martial law is impossible without an adequate system of social protection and psychological support for police officers. The issue of balancing work responsibilities with family life is particularly relevant, as a significant proportion of police officers have dependent children or persons requiring care. In our opinion, social policy in law enforcement agencies should take into account not only professional efficiency, but also the human dimension of service. In wartime, this means the need for a flexible approach to organizing service, granting leave for family reasons, and providing access to psychological assistance regardless of gender. The further development of the gender policy of the National Police of Ukraine requires its adaptation to the realities of martial law. Such adaptation should be based on the principle of flexibility and focus on the needs of personnel, taking into account international standards and national security priorities.

Institutional mechanisms play an important role in ensuring gender equality, in particular the introduction of gender-sensitive personnel management, regular monitoring, and internal control. It is advisable to create specialized units or appoint authorized persons for gender policy issues within the structure of the NPU. The effectiveness of legal guarantees directly depends on the existence of institutions capable of ensuring their implementation. In this context, improving the legal culture of police management is of particular importance.

Professional education and training of police officers should become key tools for creating a gender-sensitive environment in the National Police of Ukraine. Integrating gender issues into the educational programs of institutions with specific training conditions will help overcome stereotypes and foster a culture of equality.

5. Conclusions.

The study showed that ensuring gender equality in the National Police of Ukraine is a complex and multidimensional process that is significantly transformed under the influence of martial law. Martial law has a dual nature: on the one hand, it expands the professional opportunities of female police officers and helps to overcome gender stereotypes; on the other hand, it increases the risks of discrimination, psychological stress, and social vulnerability of personnel. Ukraine's regulatory framework is generally in line with international standards, but its effective implementation requires strengthening institutional and human resource mechanisms, developing gender-sensitive management, and integrating gender issues into police training. The implementation of these measures will ensure genuine equality of opportunity, increase the effectiveness of the National Police, and strengthen public confidence.

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ON THE ISSUE OF CRIMINAL LIABILITY FOR INFORMATION COLLABORATION ACTIVITIES

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DOI: https://doi.org/10.61345/1339-7915.2025.4.14

Annotation. The article examines the peculiarities of theoretical and practical problems of the legal qualification of criminal liability for information collaboration activities. It has been stated that information collaborationism is defined as the conscious, voluntary cooperation of a person with the aggressor or his temporary administration, which consists of spreading disinformation, propaganda, or justifying the aggressor's actions. It is indicated that, according to the main punishable actions under Part 6 of Article 111-1 of the Criminal Code of Ukraine, according to the relevant judicial practice, information activities had the following manifestations, namely: (1) giving interviews of a propaganda nature to state television channels of the russian federation; (2) distributing publications on the Internet; (3) creation of a network of accounts in which propaganda materials were distributed; (4) development of the concept of information policy as a component of the policy of the aggressor state on the occupation of territories and the retention of occupied territories; (5) coordinating the work of the media in the occupation administration with the dissemination of propaganda materials on the Internet; (6) creating propaganda materials on request, etc. It is revealed that the subject of collaborative activity belongs to the special category, namely: it can be a sane individual who has reached the age of 16 and is a citizen of Ukraine. It was found that the object of criminal offenses provided for in Article 111-1 of the Criminal Code of Ukraine is the foundation of Ukraine's national security. It has been established that the objective side of the criminal offense provided for in Part 6 of Article 111-1 of the Criminal Code of Ukraine is expressed in four forms: (1) organization of political events; (2) holding political events; (3) carrying out information activities; (4) active participation in such events. It has been determined that in accordance with Part 6 of Article 111-1 of the Criminal Code of Ukraine, responsibility for information activities arises in the absence of signs of high treason. Similar actions may also be qualified under other articles of the Criminal Code of Ukraine: "Justification, recognition as lawful, denial of the armed aggression of the Russian Federation against Ukraine" (Article 436-2). The need for clear criteria for distinguishing public objections and public appeals as forms of collaborative activity, provided for in Part 1 of Article 111-1 of the Criminal Code of Ukraine, from information activities under Part 6 of Article 111-1 of the Criminal Code of Ukraine is indicated. It has been established that the acts provided for in Part 6 of Article 111-1 of the Criminal Code of Ukraine are punishable by corrective labor for a term of up to two years or arrest for a term of up to six months, or imprisonment for a term of up to three years with deprivation of the right to hold certain positions or engage in certain activities for a term of ten to fifteen years.

Key words: collaborative activity, information collaborative activity, crimes against the foundations of national security of Ukraine, protection of the rights of accused persons, criminal liability.

1. Introduction.

According to the Constitution, Ukraine is a sovereign and independent state. The sovereignty of Ukraine extends to its entire territory, which, within its external borders, is integral and inviolable [1].According to the Law of Ukraine "On National Security of Ukraine", threats to the national security of Ukraine are phenomena, trends and factors that make it impossible or difficult or may make it impossible or difficult to realize national interests and preserve national values of Ukraine [2]. Such a threat is, in particular, the hybrid war waged by the Russian Federation against Ukraine, including in the information sphere. Thus, in Ukraine, as of June 15, 2024, law enforcement officers had opened

9,179 criminal proceedings under the article on collaborationist activities. By the end of 2024, the Register of Court Decisions already had more than 1,442 verdicts in cases of collaborationism, and the largest number of convictions (484) under the first part of Article 111-1 of the Criminal Code of Ukraine - on public denial of Russian aggression. It should be noted that by the end of 2023, Ukrainian law enforcement officers investigated 7,556 criminal proceedings for collaboration activities [3]. The above data indicate an increase in the number of criminal proceedings for information collaborationism, emphasizing the relevance of the chosen research topic.

2. Analysis of scientific publications.

Research into problematic issues of qualifying criminal liability for collaborative activities in the information sphere was studied by such researchers as A.P. Bertash, V.I. Borisov, B.M. Golovkin, S.S. Kudinov, O.Yu. Mokrousova, V.O. Navrotsky, N.V. Netesa, E.O. Pysmensky, O.E. Radutny, M. Rubashchenko, T. I. Shynkar, V. Ya. Tatsii, O. M. Khavronyuk, I. Yakovyuka and others. There is also interest among foreign researchers in studying collaborative activities. In particular, M. Mozgawa and M. Shupyan in their article attempted to analyze the issues of making amendments to both the general part of the Criminal Code of Ukraine (mainly the issue of so-called combat immunity), and to its special part, where new types of crimes were defined, cooperation with the enemy, denial of the fact of aggression against Ukraine [4, p.112]. It is necessary to pay attention to the work of S. Darcy, who investigated the legal challenges of collaboration during wartime [5]. However, certain problematic issues of qualifying criminal liability for collaborative activities in the form of carrying out information activities in cooperation with the Russian Federation have remained incompletely investigated, some of the statements of scientists are debatable, and a number of legislative provisions in this area have shortcomings. The above indicates the validity of the choice of this work.

3. The aim of the work consists of studying the peculiarities of theoretical and practical problems of qualifying criminal liability for information collaboration activities and problems.

4. Review and discussion.

Regarding the understanding of the categories of «collaborationism» and «information collaborationism». Thus, A.P. Bertash defined collaborationism as cooperation of a person with an aggressor state, which is carried out with direct intent, which is carried out with direct intent, to commit actions that harm the sovereignty, territorial integrity or inviolability, defense capability, economic, law enforcement, informational or other interests of Ukraine [6, p. 99.] O.Yu. Mokrousova, while investigating criminal liability for information collaborationism, drew attention to the subjective side, expressed in the form of intent, as well as the objective side, which includes public dissemination of information and cooperation with the occupation authorities. She emphasized that information collaborationism is defined as the conscious, voluntary cooperation of a person with the aggressor or his temporary administration, which consists in spreading disinformation, propaganda, or justifying the aggressor's actions [7, p. 99].

As for crimes against the foundations of national security, the information sphere is subject to the provisions of Articles 109, 110, 111, and 114 of the Criminal Code of Ukraine (hereinafter referred to as the Criminal Code of Ukraine) [8]. The object of criminal offenses provided for in Article 111-1 of the Criminal Code of Ukraine is the foundations of national security of Ukraine. Given the content of Article 111-1 of the Criminal Code of Ukraine, an additional object of criminal offenses is the life and health of people and the property right. In our opinion, the objective side of the criminal offense provided for in Part 6 of Article 111-1 of the Criminal Code of Ukraine is expressed in four forms: (1) organization of political events; (2) holding political events; (3) carrying out information activities; (4) active participation in such events.

According to Part 6 of Article 111-1 of the Criminal Code of Ukraine, responsibility for information activities arises in the absence of signs of high treason. Similar actions may also be qualified under other articles of the Criminal Code of Ukraine, for example, "Justification, recognition as lawful, denial of armed aggression of the Russian Federation against Ukraine" (Article 436-2). Therefore, liability

under Part 6 of Article 111-1 of the Criminal Code of Ukraine arises provided that there are no other signs of high treason in the actions of the subject of the criminal offense, provided for in Article 111 of the Criminal Code of Ukraine, in particular, such as defection to the enemy, espionage and assisting a foreign state, foreign organization or their representatives in carrying out subversive activities against Ukraine. [7, p.383].

According to N.O. Symonenko, the subjects in Part 4 and Part 6 of Article 111-1 of the Criminal Code of Ukraine are any persons (general subject) [9, p.92]. In particular, the author indicates that the subjective side is direct or indirect intent. In terms of the components for the correct criminal-legal qualification of a criminal offense, the purpose is: under Part 3 – the purpose of propaganda; under Part 6 – the purpose of organizing and conducting events or actively participating in them to support the aggressor state or to avoid its responsibility for armed aggression against [9, p. 92]. The subject of collaborative activity belongs to the special category, namely: it can be a sane individual who has reached the age of 16 and is a citizen of Ukraine [10, p.343].

For example, M. Rubashchenko and his co-authors analyzed relevant judicial practice and determined that information activities punishable under Part 6 of Article 111-1 of the Criminal Code of Ukraine had the following manifestations, namely: giving interviews with propaganda content to state-run Russian television channels; distributing publications on the Internet; creating a network of accounts in which propaganda materials were distributed; development of the concept of information policy as a component of the policy of the aggressor state on the occupation of territories and the retention of occupied territories; performance of the functions of the general director of a propaganda television and radio company or editor of print media; coordination of the work of the media in the occupation administration with the distribution of propaganda materials on the Internet; creation of propaganda materials to order; production of leaflets with the letter «Z» and their transfer to the Ministry of Defense of the Russian Federation for further distribution in order to support the military of the aggressor state, etc. [11, p. 399, 400].

Below we will provide an analysis of a number of court cases under Part 6 of Article 111-1 of the Criminal Code of Ukraine. For example, the court case considered the fact of voluntarily occupying a leadership position in the occupation administration and systematically carrying out information propaganda. These are the materials of case No. 333/2910/24 (proceedings No. 1-кп/333/307/25) dated April 28, 2025 [12]. The court, having examined the evidence provided (protocols of the review of Telegram channels, expert opinions, testimonies), found person_7 guilty as proven under both parts of the Criminal Code of Ukraine. The court found that the accused, being a knowledgeable deputy of the city council, was aware of the socially dangerous nature of her actions and acted with direct intent [12]. The court ruled to impose a sentence for a set of crimes (Part 70 of the Criminal Code of Ukraine) in the form of: imprisonment for a term of 10 years, deprivation of the right to hold any positions in state and local government bodies for a term of 15 years, and confiscation of property (apartment and car) [12].

In the materials of court case No. 3/712/295/25 (proceedings No. 1-kp/712/295/25) dated June 16, 2025. The trial took place in special court proceedings (in absentia). The case examined the fact of systematic and voluntary cooperation with the occupation authorities through a public organization and holding political events. Person_5 gave interviews to occupation Telegram channels, where she publicly called for the Kherson region to join the Russian Federation, justified the aggression, and created her own Telegram channel to spread the main slogans of Russian propaganda. The court rejected the defense's position that her functional duties were not proven, as numerous pieces of evidence indicate her active informational and political role [13]. The court ruled to impose the following punishment: imprisonment for a term of 12 years, deprivation of the right to hold any public office for a term of 15 years, and confiscation of all property belonging to her [13]. Let us point out that the practice of special judicial proceedings (in absentia) is the main one for cases of collaborationist activities that arose in temporarily occupied territories. This allows courts to pass guilty verdicts and impose punishments, ensuring the principle of inevitability of liability. For example, sentences under Part 6 of Article 111-1 of the Criminal Code of Ukraine in court decisions concerned regarding the holding of political events, the implementation of information activities in cooperation with the aggressor state, and the qualified actions of individuals in attaching the flag of the Russian Federation to the building of an apartment building, as well as taking photos and videos for their subsequent transfer to representatives of the Russian Federation [14]; as well as information activities - production of leaflets to support the «spirit of Russian soldiers», with their subsequent distribution in the territory of Luhansk region [15].

One of the controversial issues of criminal law is the distinction between public objections and public appeals as forms of collaborative activity, provided for in Part 1 of Article 111-1 of the Criminal Code of Ukraine, and the implementation of information activities under Part 6 of Article 111-1 of the Criminal Code of Ukraine. [8]. N.V. Netesa notes that denial and justification of armed aggression specifically and only against our state should be recognized as an encroachment on the national security of Ukraine, and not on the international order [16, p.225]. According to O. E. Radutny, public objections or public appeals as part of a criminal offense under Part 1 of Article 111-1 of the Criminal Code of Ukraine are actions with a clearly expressed informational nature. Their main content lies not so much in physical movements and behavioral manifestations, but rather in the transmission of certain information from one person to another, or to an indefinite circle of people, and the influence on the consciousness of other people. From the researcher's point of view, during an information action, relevant information is provided to other persons by displaying it in verbal form, emojis or memes, drawings or photographs, etc., as well as in the form of various actions, the main purpose and content of which is the dissemination of information [17, p.99]. For example, in court case No. 725/338/25 (proceedings No. 1-кп/725/13/25) dated January 17, 2025, oral statements of support for the aggressor, especially in combination with a demonstration of a pro-Russian position (for example, through music), are recognized as a form of collaborative activity [18]. At the same time, sincere repentance is a key circumstance that influences the imposition of punishment for this criminal offense.

Let us point out that the acts provided for in Part 6 of Article 111-1 of the Criminal Code of Ukraine are punishable by corrective labor for a term of up to two years or arrest for a term of up to six months, or imprisonment for a term of up to three years with deprivation of the right to hold certain positions or engage in certain activities for a term of ten to fifteen years [8]. It is worth citing individual court decisions in the context of the qualification of criminal liability under Part 6 of Article 111-1 of the Criminal Code of Ukraine.

5. Conclusions.

The objective side of the criminal offense provided for in Part 6 of Article 111-1 of the Criminal Code of Ukraine is expressed in four forms: (1) organization of political events; (2) holding political events; (3) carrying out information activities; (4) active participation in such events. It is indicated that such activities include the creation, collection, receipt, storage, use, and dissemination of information to the detriment of Ukraine, in the absence of signs of treason. Citizens of Ukraine who have reached the age of 16 are subject to criminal liability for information collaboration activities. Criminal liability for information collaboration activities is punishable by deprivation of the right to hold certain positions or engage in certain activities, as the main punishment, a term of 10 to 15 years may be applied. This punishment can be both primary and additional, and its type and terms depend on the severity of the crime and the specific form of collaborative activity. If this punishment is imposed as an additional punishment to arrest, restriction, or imprisonment for a term of 1 to 3 years.

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GUARANTEES FOR THE PROTECTION OF THE RIGHTS OF LEGAL ENTITIES WHEN DETERMINING THE COUNTRY OF ORIGIN OF GOODS BY CUSTOMS AUTHORITIES

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DOI: https://doi.org/10.61345/1339-7915.2025.4.15

Annotation. The aim of the work is to study theoretical and practical problems of guarantees for the protection of the rights of legal entities when determining the country of origin of goods by customs authorities within the framework of administrative and legal regulation. The methodological basis of the article is a set of methods, such as formal-dogmatic, systemic, semantic, epistemological, and axiological, comparative-legal, systemic-structural, and also includes methodology as a set of both methods and techniques of scientific knowledge. It has been established that one of the legal mechanisms for guaranteeing the protection of the rights of legal entities regarding the determination of the country of origin of goods is the appeal of decisions of the customs authority in administrative courts, and case law is presented. It was established as a result of this study that the customs authority checks documents confirming the country of origin of the goods, namely: certificates of origin of the goods; certified declarations of origin of the goods; declarations of origin of the goods, certificate of regional name of the goods. It is indicated that through customs control, customs authorities check the authenticity of documents to determine the country of origin of the goods, and in case of non-compliance, they may carry out additional verification. It is noted that based on the determined country of origin of the goods, the customs authority applies appropriate non-tariff regulation measures, prohibitions or restrictions on the movement of goods across the customs border of Ukraine. It has been established that determining the country of origin is an important component of customs control for the correct calculation of customs payments when moving goods into the customs territory of Ukraine. It was found that the digitalization of procedures for determining the country of origin of goods by customs authorities is an important stage in the modernization of public administration in the customs sector. It is concluded that the transparency of the procedures for determining the country of origin of goods and uniform rules for all participants in foreign economic activity create equal conditions for competition between legal entities when moving goods across the customs border of Ukraine. It is argued that the application of effective procedures for determining the country of origin of goods by customs authorities is one of the mechanisms for protecting the rights of legal entities in customs law, as it ensures objectivity in the calculation of customs duties and non-tariff restrictions, helps to avoid discrimination and guarantees equal conditions for foreign economic entities when moving goods across the customs border in the context of the implementation of European integration customs standards.

Key words: customs procedures, protection of rights, country of origin of goods, subjects of customs law, legal personality, digitization, administrative and legal regulation.

1. Introduction.

Compliance with procedures for determining the country of origin of goods is crucial within the framework of approximating Ukrainian customs legislation to EU law, which is undertaken to fulfill Ukraine's obligations under the Association Agreement between Ukraine and the EU [1], in accordance with Annex XV to this Agreement and taking into account the need to ensure compliance with the criteria of a candidate country for accession to the EU. The effectiveness of legal regulation of customs relations depends on the effective use of legal tools for determining and controlling the

country of origin of goods moving across the customs border of Ukraine. It is determined by the influence of some factors and risks [2], in particular, the conditions of martial law in Ukraine.

Determining the country of origin of goods is an important part of the competence of customs authorities as subjects of customs law, since there are several measures that put countries exporting goods to our country in an unequal position, such as quotas, preferential tariffs, anti-dumping and countervailing measures, etc [3].In addition, the tasks of the National Revenue Strategy until 2030 provide for further steps on the harmonization of Ukrainian customs legislation with EU legislation, support and cooperation with business, development of international customs cooperation; institutional development of customs authorities, development of IT and provision of technical means of customs control [4], some aspects also cover procedures for determining the country of origin of goods.

2. Analysis of scientific publications.

Certain issues of the problems of legal regulation of customs procedures and customs control, the legal personality of customs authorities, were studied by scientists such as Yu.P. Bytyak, V.M. Garashchuk, A.D. Voytseshchuk, E.V. Dodin, O.M. Shevchuk [5], M.G. Shulga, and others. Thus, E.P. Bondarenko studied the issues of customs control in the context of determining the country of origin of goods [2], O. Drofich drew attention to individual procedures for making decisions by customs authorities regarding the determination of the country of origin of goods [3], N.A. Koval studied the rules for determining the non-preferential origin of goods in accordance with the Customs Code of the European Union [6], O. M. Shevchuk clarified the customs and legal aspects of determining the country of origin of medicines [7], etc. However, a number of debatable issues regarding guarantees for the protection of the rights of legal entities when determining the country of origin of goods by customs authorities remain unresolved. The above indicates the relevance of the chosen topic.

3. The purpose of this work is to identify theoretical and practical problems of compliance with guarantees for the protection of the rights of legal entities when determining the country of origin of goods by customs authorities within the framework of administrative and legal regulation, to characterize the issues of debate among scientists, and propose directions for improving national legislation. The methodological basis of the article is a set of methods, such as formal-dogmatic, systemic, semantic, epistemological, and axiological, comparative-legal, systemic-structural, and also includes methodology as a set of both methods and techniques of scientific knowledge.

4. Review and discussion.

In the modern world trade system, there are two types of rules for determining the country of origin of goods, depending on the trade regime that exists between the importing and exporting parties: preferential and non-preferential [5, p. 38]. In accordance with Part Two of Article 43 of the Customs Code of Ukraine, the country of origin of the goods is declared (declared) to the customs authority by indicating its name and information about the documents confirming the origin of the goods in the customs declaration. The country of origin of the goods is considered to be the country in which the goods were completely produced or sufficiently processed (part 2 of Article 36) [8]. The Customs Code of Ukraine does not provide for the term legal entities. This legislative act provides for the term enterprise (clause 38 of part 1 of article 4). An enterprise is any legal entity, as well as an individual entrepreneur [8].

It should be noted that the rules for determining the country of origin of goods establish a consultation procedure between enterprises and customs authorities if the customs authorities identify sufficient grounds for reasonable doubt in the reliability of the information submitted by the enterprise on the country of origin of the goods [3]. Correct determination of the country of origin of goods is necessary for taxation of goods moving across the customs border of Ukraine, application of non-tariff regulation measures of foreign economic activity to them, prohibitions and/or restrictions

on movement across the customs border of Ukraine, as well as to ensure the accounting of these goods in foreign trade statistics (Part 1, Article 36 of the Customs Code of Ukraine) [8]. Documents confirming the country of origin of the goods are a certificate of origin of the goods, a certified declaration of origin of the goods, a declaration of origin of the goods, or a certificate of regional name of the goods (Part 1 of Article 43 of the Civil Code of Ukraine) [8].

On November 10, 2023, the Cabinet of Ministers of Ukraine adopted a resolution aimed at bringing the procedure for determining the country of origin of goods into line with the standards of the European Union Customs Code and free trade agreements [9]. This resolution of the Cabinet of Ministers of Ukraine (1) improves the standardization of the procedure for verifying certificates; (2) defines clear grounds for canceling certificates; (3) improves the procedure for informing the customs authority of the country of import of goods. In the first case, a standardized procedure for verifying certificates and declarations has been introduced at the initiative of customs authorities. This will contribute to more effective control and compliance with requirements regarding the origin of goods. In the second case, clear criteria have been defined regarding the cancellation of certificates containing unreliable data [9]. This will facilitate the detection of violations and increase the level of reliability of certification documents. In the case of improving the procedure for informing customs authorities when determining the country of origin of goods, the resolution of the Cabinet of Ministers of Ukraine provides for a clear procedure for informing about the results of verification by the customs authority of the country of import of goods. This information will be transmitted to the relevant competent authority (organization), the manufacturer and/or exporter of the goods, indicating the violations identified [9].

There is ambiguous case law on the issue of confirming the country of origin of goods. We present the position of the Supreme Court regarding the confirmation of the origin of goods in the materials of the court case No. 260/2805/20. Let us point out that international law defines a clear algorithm of actions for the customs authority in the event of doubts about the validity of documents on the origin of goods or the reliability of information about the country of origin of goods. Thus, in the materials of court case No. 260/2805/20 regarding confirmation of the origin of goods (from the European Union or Ukraine) and establishing the declarant's right to customs clearance of goods imported at a preferential import duty rate [10].

In particular, the payer appealed to the court the tax notice-decision adopted by the customs based on the results of a documentary on-site inspection with a conclusion on the groundless application of the benefit and exemption from taxation under preference «410» and payment of import duty in accordance with the reduced import duty rate (2.5%) determined for goods imported from the territory of the European Union (which have preferential origin), as well as for calculating the amount of underpayment of tax liabilities for import duty and value added tax [10]. The customs authority was convinced that the imported goods could not be considered as originating in the European Union based on the provisions of Protocol I to the "Association Agreement between Ukraine, of the one part, and the European Union, the European Atomic Energy Community and their Member States, of the other part" [1].

The Supreme Court indicated that payers defined by Article 272 of the Customs Code of Ukraine are obliged to pay import duty when importing goods (which are subject to taxation in accordance with Part One of Article 277 of the Customs Code of Ukraine) into the customs territory of Ukraine are required to pay import duty. The amount of value-added tax depends on the amount of duty payable and is included in the price of the goods [10]. According to Article 33 of Protocol I to the "Association Agreement between Ukraine,"… it is the results of the verification of the origin of the goods that are the basis for refusing to grant the payer the right to preferences [1]. The Supreme Court believes that the specified algorithm of actions of the control body, at the request of which documents on the origin of goods are checked, does not establish the possibility of analyzing additional evidence (documents) provided by the declarant to confirm information about the declared country of origin of the goods in accordance with parts eight and nine of Article 43 of the Customs Code of Ukraine.

Therefore, in the opinion of the Supreme Court, the customs authority is not empowered to act at its own discretion in the specified circumstances and conduct an additional verification of documents on the origin of the goods after the competent authority receives the results of such verification regarding the country of origin of the goods declared by the declarant [10].

Guarantees of protection of rights and freedoms of legal entities are determined through the formation of legal norms that regulate them [11, p.155]. One of the directions of improvement of customs legislation is the further implementation of digitalization [12, p.355], [13], [14], including when determining the country of origin of goods by customs authorities. According to the World Customs Organization, the overall share of electronic customs declarations in the European region exceeds 90%. It is worth noting that in EU countries, customs clearance takes no more than five minutes in 63% of cases and exceeds one hour in 9% of cases. Such results cannot be achieved without significant progress in customs digitalization and customs risk management [15, p. 222]. Digitalization of procedures for determining the country of origin of goods by customs authorities involves the use of electronic systems for submitting and processing information, automation of document verification processes (e.g., certificates of origin), and the use of electronic databases to collate information, which simplifies and speeds up customs procedures. This makes the process more transparent and efficient, and also helps avoid corruption risks when carrying out customs procedures.

The digitalization of procedures for determining the country of origin of goods by customs authorities is an important step in the modernization of public administration in the customs sector. However, there are certain challenges and threats that need to be addressed at the legislative level. However, there are certain challenges and threats that need to be addressed at the legislative level. The main problems include insufficient digital literacy, imperfect cybersecurity measures, and institutional problems. It is also necessary to pay attention to the draft of the new Customs Code of Ukraine; among the main innovations is the introduction of unified rules and procedures for the movement of goods across the customs border, which covers customs procedures, control, supervision, and determination of the status of goods. The draft of the new Customs Code of Ukraine obliges the use of electronic systems for data exchange, declarations, and information storage, and the "single window" environment becomes the central tool for interaction between customs authorities, business, and other competent structures. The draft of the new Customs Code of Ukraine, which is based on the EU Customs Code, will create a legislative framework for all customs IT systems that Ukraine will need to have at the time of accession to the EU [16].

5. Conclusions.

Guarantees for the protection of the rights of legal entities when determining the country of origin of goods by customs authorities include the right to submit documents confirming the country of origin, the possibility of appealing decisions of customs authorities, as well as the need for customs authorities to comply with procedures established by customs legislation. Guarantees of protection of the rights of legal entities when determining the country of origin of goods by customs authorities are ensured by clearly regulating the procedures for determining, verification, and appeal of decisions in administrative courts, as well as the establishment of legal liability for violation of the rights of participants in foreign economic activity. Digitalization of procedures for determining the country of origin of goods by customs authorities is an important stage in the modernization of public administration in the customs sector.

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ACCESS TO JUSTICE FOR PEOPLE WITH DISABILITIES: THE EXPERIENCE OF UKRAINE AND GERMANY

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DOI: https://doi.org/10.61345/1339-7915.2025.4.16

Annotation. The relevance of researching this issue stems from the fact that the right to access justice is guaranteed by the Constitution of Ukraine to every person, including persons with disabilities. However, in practice, the implementation of this right guaranteed by the Basic Law of Ukraine faces a number of significant obstacles. First and foremost, these are physical barriers related to the lack of real opportunities for persons with disabilities to freely access court premises. Communication barriers also pose a significant problem, as judges and court staff often lack the special skills needed to communicate effectively with persons who have hearing or visual impairments or other special needs. Legal barriers are no less important, as a significant proportion of persons with disabilities do not have sufficient knowledge of how to exercise their right to go to court.

All these circumstances demonstrate the urgent need for profound reform of the legal institution of access to justice for persons with disabilities at the level of Ukrainian national legislation. In order to find ways to overcome these barriers, the author examines the positive experience of the Federal Republic of Germany. This country has achieved certain successes in this area. An analysis of the strategy for the digitization of justice, as well as the Federal Law on Equal Opportunities for Persons with Disabilities, makes it possible to formulate a number of proposals, the implementation of which could significantly improve public administration in the field of ensuring access to justice for persons with disabilities in Ukraine. First and foremost, this involves changing the concept of public administration in this area, within which the needs of private individuals who go to court, including the needs of persons with disabilities, should be given priority. In addition, it involves establishing specific measures at the level of state policy strategy and tactics in this area, aimed at overcoming physical, communication and legal barriers that prevent persons with disabilities from accessing justice. It is advisable to borrow from Germany's experience a comprehensive approach to ensuring access to justice for persons with disabilities. This approach covers not only the possibility to file a lawsuit or represent one's interests in court, but also provides primary legal assistance to persons who apply to the court, as well as access to various state registers. This, in turn, makes it possible to obtain the necessary evidence to substantiate the claims that a person with a disability brings before the court.

Key words: justice, persons with disabilities, physical accessibility, communicative accessibility, legal accessibility, state policy, State Judicial Administration of Ukraine, Germany, Ukraine.

1. Introduction.

The right to appeal to the court, guaranteed by the Constitution of Ukraine, belongs to every private individual. After all, access to an independent and impartial court is a guarantee of the protection of the rights, freedoms and legitimate interests of everyone. Of course, this constitutional right also belongs to persons with disabilities. We believe that the exercise of this right by persons with disabilities cannot be limited to the regulatory establishment of mechanisms for its implementation at the level of the Constitution of Ukraine, procedural codes and other legislative acts of Ukraine. In other words, it is not enough to establish at the legislative level only the possibility of exercising this subjective right. It is also necessary to create the necessary conditions for persons with disabilities so that they can actually exercise it. At the same time, it is necessary to take into account that persons

with disabilities are a general category that unites individuals with different needs. In particular, persons with disabilities include individuals with musculoskeletal disorders, visual or hearing impairments, chronic somatic diseases, etc. This means that the state is obliged to create appropriate and sufficient conditions for each of these subgroups so that such persons have a real opportunity to go to court regardless of their special needs.

This issue is particularly relevant in light of the introduction of martial law in Ukraine. Russia's armed aggression against Ukraine has resulted in a huge number of people with disabilities, both among military personnel and civilians. We are convinced that creating conditions for the latter to access justice is a priority task for the state.

Separately, we would like to draw attention to the fact that this is not only about physical accessibility to justice, for example, through the installation of ramps in court buildings. In our opinion, this obligation of the state also includes creating procedural access to justice, which means giving people with disabilities a real chance to go to court in the way the law says, letting them fully take part in court proceedings, and so on. It is in this area that Ukraine has accumulated a huge number of unresolved problems, the solution of which we would like to focus on separately in this study. To find answers to these questions, we would like to refer to the experience of Germany, which has created the necessary conditions for the realization of the right of persons with disabilities to access justice.

2. Analysis of scientific publications.

Research into the issue of access to justice for persons with disabilities has been conducted both within the framework of specific studies devoted directly to this topic and within the framework of general studies concerning the accessibility of justice in general. Among the specialized works, it is worth noting the studies by O. Kuvila [1] and O. Balatska [2], which analyze the legal guarantees and mechanisms for ensuring access to justice for persons with disabilities. At the same time, the issue of access to justice has also been considered in broader contexts, for example in the studies by O. Ovcharenko, O. Yeshchenko [3, 4] and others. However, it cannot be said that these scientific works fully reflect the current state of development of this issue. The issue of access to justice for persons with disabilities is dynamic and constantly influenced by new social, technological and legal changes. That is why there is a need for further comprehensive research on this issue.

3. The purpose of the work.

The purpose of this article is to analyze the issue of access to justice for persons with disabilities based on a study of the experiences of Ukraine and Germany.

4. Review and discussion.

We would like to begin our study by noting that creating conditions for access to justice in Ukraine for private individuals in general and persons with disabilities in particular is a task of the state, which derives from its fundamental constitutional duty to uphold and ensure the rights and freedoms of every person [5]. Undoubtedly, this duty must be fulfilled not formally, but in reality, by creating a real opportunity for everyone to access any court in any part of Ukraine. In our opinion, this duty of the state is fulfilled through the functioning of the State Judicial Administration of Ukraine (hereinafter referred to as the SJA of Ukraine), which is a specialized public administration body responsible for the organizational and financial support of the courts in Ukraine. In this regard, we are primarily interested in the organizational support of the courts. It is this area of the SJA's activities that provides for the physical accessibility of courts to private individuals. This includes the proper maintenance of court buildings, ensuring that they are equipped with ramps, lifts and other facilities that are objectively necessary for persons with disabilities. In addition, the SJA of Ukraine is responsible for the information and technical support of the courts. This responsibility includes both the functioning of the «Electronic Court» subsystem and the provision of computers, office equipment, servers and other technical means necessary for communication with private individuals to the courts.

An analysis of (the Law of Ukraine «On the Judicial System and Status of Judges») [6] and (the Regulations on the State Judicial Administration of Ukraine) [7] leads to the conclusion that the activities of the SJA of Ukraine are court-centric rather than people-centric. In other words, the focus of such activities is on the needs and interests of the court, rather than on private individuals who turn to the judiciary for protection of their violated rights, freedoms and legitimate interests. In our opinion, this is a significant drawback, as the focus is on the needs of judges and court employees in terms of organizational, informational and technical support for the activities of the judiciary, rather than the needs of private individuals who turn to the courts. We are convinced that this is a conceptual flaw in the Law of Ukraine 'On the Judicial System and Status of Judges' and in the Regulations on the State Judicial Administration of Ukraine developed on its basis. It is obvious and understandable that judges and court employees, when talking about the provision of judicial power, will focus primarily on issues that affect their activities. These include maintaining court buildings in proper condition and repairing them, equipping workplaces, providing computer equipment, office equipment, etc. Additional problems have arisen in connection with the legal regime of martial law, in particular, the destruction or damage of court buildings, the transfer of judges from frontline areas to other courts in Ukraine, etc. At the same time, can we assume that by providing for judges and court employees, the State Judicial Administration of Ukraine fully meets all the needs of private individuals who apply to Ukrainian courts? This issue is particularly acute when it comes to meeting the needs of persons with disabilities who apply to the courts. Once again, we emphasize that disability takes many forms. In view of this, there are different needs that must be met in order for such persons to be able to participate not only formally but also in reality in court proceedings and effectively defend their rights, freedoms and legitimate interests. It should be noted that (the Law of Ukraine «On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine») [8] contains Section V, which is devoted to creating conditions for unhindered access of persons with disabilities to social infrastructure. Obviously, this section also concerns ensuring access for persons with disabilities to court premises. Thus, according to (Article 26 of the Law of Ukraine «On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine»), enterprises, institutions and organizations are obliged to create conditions for unhindered access for persons with disabilities, including persons with disabilities who use mobility aids and guide dogs, to physical environments. This article also specifies the obligation of relevant entities to apply and place information on physical objects in embossed alphanumeric or embossed dot font. Such information should, in particular, relate to the numbering of floors, rooms in physical environments, etc. [8]. These general requirements are detailed in (the DBN V.2.2-40:2018 «Inclusiveness of buildings and structures. Basic provisions») [9]. An analysis of this document leads to the conclusion that the premises in which courts are located must be equipped with such accessibility elements as: ramps; handrails; lifts or elevators; specialized toilets; tactile elements; special places in courtrooms; and other means necessary to ensure unhindered access for persons with disabilities [9]. At the same time, it is important not only to enshrine the relevant requirements in legislation, but also to ensure their actual implementation in practice. That is why (the 2024 report of the State Judicial Administration of Ukraine) is interesting in this regard, as it pays special attention to the issue of ensuring equal access to court services for persons with disabilities and other low-mobility groups [10]. An analysis of this report allows us to draw the following conclusions: 1) bringing court premises into compliance with the requirements of current Ukrainian legislation is only possible through new construction, reconstruction, restoration, and major/routine repairs of existing buildings of appellate and local general courts as a whole, which requires significant financial resources; 2) of the total number of premises used by appellate and local courts for the administration of justice, only 66% are under the management of the State Judicial Administration of Ukraine, and, as mentioned earlier, work using state funds is only possible on state-owned properties; 3) 3% of court premises are barrier-free (all physical accessibility criteria are met); 49% are partially barrier-free (meeting critical physical accessibility criteria); 48% are barriered (not meeting physical accessibility criteria) [10]. An analysis of these indicators leads to the conclusion that in the vast majority of cases, persons with disabilities do not have access to the justice system and cannot directly exercise their right to protect their violated rights, freedoms and legitimate interests in court. Undoubtedly, this situation is unacceptable and indicates the existence of a systemic problem that remains unresolved in Ukraine today.

At the same time, we must note that physical accessibility is only one of the parameters of access to justice for persons with disabilities. We must also discuss other components of this accessibility. For example, the skills of judges and court employees in communicating with persons with special needs. For example, proficiency in sign language when communicating with persons with hearing

impairments, the use of Braille for persons with visual impairments, etc. In this context, in our opinion, it is worth talking about communication accessibility to justice. An analysis of (the 2024 report of the State Judicial Administration of Ukraine) gives reason to conclude that this public administration body sees the solution to this problem in the introduction of digital services [10] that are intended to simplify communication between the court and persons with disabilities. At the same time, we believe that the importance of this factor should not be exaggerated, as such services cannot under any circumstances completely replace direct live communication with judges and court staff.

In addition, it is obviously worth discussing legal accessibility to the judicial system, i.e. providing legal assistance to persons with disabilities who wish to go to court to protect their violated rights, freedoms and legitimate interests. Again, such assistance should be provided taking into account the special needs of persons with visual, hearing and other impairments.

It is worth dwelling separately on the strategy and tactics of state policy regarding the creation of a barrier-free environment in Ukraine. The Ukrainian government has now approved and adopted (the National Strategy for Creating a Barrier-Free Environment in Ukraine for the period up to 2030) [11]. An analysis of the provisions of this strategy shows that the issue of access to justice is mentioned several times. In particular, the expected results include: improving access to information during court proceedings; monitoring the accessibility of justice system websites; eliminating unequal access to justice for certain groups of the population, which causes feelings of discrimination and reduces trust in the state. The Strategy also identifies the problem of ensuring accessibility during court proceedings, particularly in the context of creating conditions for access to justice for persons with limitations in their daily functioning [11]. The Strategy is being implemented on the basis of (the 2025-2026 Plan for the implementation of the National Strategy for the creation of a barrier-free environment in Ukraine for the period up to 2030) [12]. It provides for the following measures to create a barrier-free environment in the area of access to justice: 1) ensuring digital accessibility during court proceedings for persons with varying degrees of communication limitations; 2) conducting an information campaign among the population to raise awareness of barrier-free environments in the judicial system, in particular regarding ensuring digital accessibility to justice for persons with disabilities, by posting relevant information on the official website of the State Judicial Administration in accordance with the procedure established by the Regulations on the functioning of individual subsystems of the Unified Judicial Information and Telecommunications System, approved by a decision of the High Council of Justice; 3) monitoring the accessibility of websites of judicial authorities; 4) implementing organizational and technical measures to improve software to ensure that persons with disabilities and other low-mobility groups of the population have access to court hearings and can familiarize themselves with court case materials using online resources; 5) developing and implementing information products to provide high-quality and accessible judicial services for all groups of the population; 6) ensuring access to justice for persons with limitations in their daily functioning [12]. It is noteworthy that the State Administration of Ukraine (by agreement) has been designated as the main implementer of these measures. As for monitoring accessibility and related services, this task has been assigned to the Ministry of Digital Transformation of Ukraine and the state-owned enterprise «Diya». At the same time, the question arises as to how accessible such services really are for persons with disabilities. Are there any feedback mechanisms in place to ensure that the recipients of these digital services, which are aimed at ensuring access to justice for persons with disabilities, consider them to be effective, convenient and responsive to their real needs? In addition, the question remains as to how realistically persons with special needs, in particular those with hearing and visual impairments, can use these digital services. These questions do not have a clear answer at present. However, an analysis of even general indicators regarding the submission of cases through the «Electronic Court» system [13] and in paper format [14] indicates that the main form of communication between private individuals and the court remains the submission of lawsuits and other procedural documents in paper form. The likely reason for this situation is the low awareness of the population about the services provided by the «Electronic Court».

As for Germany, we can see completely different guidelines in public administration regarding the functioning of the judiciary. First of all, I would like to draw attention to the provisions of (the Strategy for the Digitalization of the Justice System (Strategie für die Digitalisierung der Justiz) [15]. An analysis of this Strategy allows us to conclude that the system for ensuring the functioning of the judiciary in Germany is oriented towards the needs of private individuals who go to court. The document emphasizes that a person who files a lawsuit or other application with a court should not have to become an «obstacle runner»[15]. In other words, the conditions should be as clear, accessible and

comfortable as possible for them in order to protect their rights and interests in court as quickly and effectively as possible. Thus, it is not the institutional needs of the court that come to the fore, but rather the needs of private individuals, including persons with disabilities. In addition, a distinctive feature of the German approach is that it covers not only physical access to the court, but also the real possibility of effectively exercising one's right to judicial protection. This refers, in particular, to the availability of legal aid or advice necessary to bring a case to court, as well as ensuring access to supporting documents, permits and other materials that are also available in digital format. This enables individuals to fully substantiate their claims and protect their rights. The relevant tasks of the state are implemented through mechanisms laid down in (the Law on Equal Rights for Persons with Disabilities (Behindertengleichstellungsgesetz)) [16]. If we compare this federal law with (the Law of Ukraine «On the Fundamentals of Social Protection of Persons with Disabilities in Ukraine») [8], we can conclude that it is based on the principles of equality and non-discrimination; removing barriers (architectural, informational, digital), and emphasizing the independence and participation of persons with disabilities in society. The purpose of the Federal Law on Equal Rights for Persons with Disabilities is to remove barriers that prevent persons with disabilities from accessing all areas of public life, including justice.

5. Conclusions.

The study allows us to draw the following conclusions:

1. In Ukraine, access to justice for persons with disabilities is formally guaranteed at the legislative level and is implemented through the general procedure of any private individual applying to a court to protect their violated rights, freedoms and legitimate interests. In reality, however, persons with disabilities face a number of significant barriers that make it impossible or significantly more difficult to exercise their right to access the courts. These barriers include:

- Physical barriers. Most buildings housing courts are still not equipped with the necessary accessibility features (ramps, lifts, adapted sanitary facilities, tactile elements, etc.), which effectively prevents a significant proportion of persons with disabilities from physically accessing the courts.
- Communication barriers. Lack of skills among judges and court staff to effectively interact with persons who have hearing, visual or other impairments that affect their perception of information.
- Information barriers. Digital services used to access justice (e-courts, official websites, information systems) are not adapted to the needs of persons with disabilities, including persons with visual or hearing impairments, etc.

Thus, despite formal guarantees, persons with disabilities actually face significant barriers to accessing justice.

2. Ensuring access to justice for persons with disabilities is part of public administration in the field of organizational and financial support for the judiciary, which is carried out by the State Judicial Administration of Ukraine. The conceptual problem with the current model of public administration in this area is that it focuses primarily on the internal needs of the judicial system rather than on the needs of individuals who turn to the courts to protect their rights, freedoms and interests. As a result, the effectiveness of public administration is assessed by the subjects of public administration themselves, i.e. the internal bodies of the judiciary, rather than by those citizens, including persons with disabilities, who are the direct users of judicial services. In our opinion, this approach is not effective enough, as it does not allow for the real, objective needs of individuals who turn to the courts, especially persons with disabilities, for whom the removal of physical, information and communication barriers is of critical importance. In this regard, there is a need for a conceptual review of the provisions on the State Judicial Administration of Ukraine, as well as the policy documents that define the directions and tasks of public administration in the field of ensuring the functioning of courts.

3. Reforming public administration in terms of ensuring access to justice for persons with disabilities in Ukraine should be carried out with mandatory consideration of the experience of the Federal Republic of Germany. In our opinion, the German model should be emulated, first and foremost, in terms of orienting public administration in this area towards the needs of private individuals who turn to the

courts, as well as combining direct access to justice with related services that ensure the full realization of the right to appeal to the courts. One such element is the provision of free legal aid to persons with disabilities, which should be provided by the state and include: assistance in formulating and specifying claims to the court; correct preparation of procedural documents; support at the stage of filing applications and complaints. In addition, it is important to ensure that persons with disabilities have access to a full package of necessary documentation when applying to the court, in particular: extracts from state registers; certificates, information materials; other documents and evidence necessary to substantiate their legal position. That is why we propose to make appropriate changes and additions to the policy documents and activity plans of the State Judicial Administration of Ukraine, which determine the directions of organizational and financial support for the judiciary.

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CONSTITUTIONAL PRINCIPLES OF THE FUNCTIONING OF THE MECHANISM OF ADMINISTRATIVE AND LEGAL REGULATION IN THE SPHERE OF ENSURING ECOLOGICAL SECURITY OF UKRAINE

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DOI: https://doi.org/10.61345/1339-7915.2025.4.17

Annotation. The study of the constitutional principles of the functioning of the mechanism of administrative and legal regulation in the sphere of ensuring the ecological security of Ukraine is an urgent scientific problem, the solution of which can provide clear guidelines for its reform and improvement. The article analyzes the role and significance of the Constitution of Ukraine as the Fundamental Law in the aspect of ensuring the functioning of a holistic mechanism of administrative and legal regulation in the sphere of ensuring the ecological security of Ukraine. At the same time, the fact is stated that the Constitution of Ukraine laid the basic principles for the formation of such a mechanism in the sphere of ensuring ecological security as the leading type of national security of Ukraine. It is also noted that the Law of Ukraine "On Environmental Protection" was adopted before the Constitution of Ukraine came into force, but it was after the adoption of the Fundamental Law of Ukraine that the process of amending this Law and its gradual modification was significantly intensified. Such modification, in particular, concerned the formation at the legislative level of the status of subjects of power that carry out public administration in the field of ensuring environmental security. It is proved that since the Constitution of Ukraine at the time of its adoption was a progressive document that significantly outpaced the fundamental provisions that existed within the national legal system before the adoption of the Constitution of Ukraine, it is the Fundamental Law that should be the basis for reforming the mechanism of administrative and legal regulation in the field of ensuring the environmental security of Ukraine as a type of national security. All this made it possible to accelerate the processes of appropriate reform, relying on such constitutional values as stability, security and balance, which in the modern world serve as the foundation for the development of statehood, social progress and guaranteeing the vital interests of every person. Thus, today the Constitution of Ukraine as the Basic Law has laid a solid foundation in the system of regulating a wide range of various social relations. Among them, issues related to ecology, ecological balance and ecological safety occupy a leading place. Moreover, the Constitution forms such principles comprehensively, starting from the preamble and including all its other provisions. For example, the preamble of the Constitution of Ukraine, having a direct correlation with other provisions of the Basic Law, forms a significant basis for improving the mechanism of administrative and legal regulation in the field of ensuring the ecological safety of Ukraine.

Key words: Constitution, constitutional principles, administrative and legal regulation, administrative and legal principles, mechanism of administrative and legal regulation in the field of ensuring environmental safety, environmental safety as a type of national security of Ukraine.

1. Introduction.

Ensuring environmental safety and balance in Ukraine is one of the priority tasks of a far-reaching nature. That is why the issue of ensuring the functioning of a clear mechanism of administrative and

legal regulation in the field of ensuring the environmental safety of Ukraine is of urgent importance. In this regard, it should be assumed that in this system the Constitution of Ukraine is of particular importance as the Fundamental Law of the state and society, which laid a powerful foundation for regulating the basic blocks of social relations and had a significant impact on the formation of a holistic and effective mechanism of administrative and legal regulation in the field of ensuring the environmental safety of Ukraine. That is why the study of the constitutional principles of the functioning of such a mechanism is an urgent scientific problem, the solution of which can provide clear guidelines for its reform and improvement.

2. The state of scientific research on the topic.

Certain aspects related to the administrative and legal principles of management in the field of ensuring environmental safety were studied by such scientists as O.I. Bezpalova, L.O. Yemets, I. Zharovska, T.E. Kaganovska, I.D. Kazanchuk, D.M. Lukyanets, D.V. Lazarenko, L.V. Mendyk, L.O. Ostapenko and others. At the same time, the issue of the influence of constitutional principles on the formation of the mechanism of administrative and legal regulation in the field of ensuring environmental safety in Ukraine is much less in the legal doctrine, and the relevance of this view exists.

3. The purpose of the article is to study the constitutional principles of the functioning and further improvement of the mechanism of administrative and legal regulation in the field of ensuring environmental safety in Ukraine.

4. Main results of the study.

When analyzing the formation of legislative regulation of mechanisms for ensuring environmental safety, including the mechanism of administrative and legal regulation in this area, it should be noted that the adoption of the Constitution of Ukraine in 1996 was a leading milestone in the above-mentioned long process [1]. After all, it laid the basic foundations for the formation of a holistic mechanism of administrative and legal regulation in the field of ensuring environmental safety as a type of national security. Although the Law of Ukraine "On Environmental Protection" of June 25, 1991 [2] was adopted long before the development, adoption and entry into force of the Constitution of Ukraine (June 28, 1996), it was after the adoption of the Fundamental Law of Ukraine that the process of amending this Law was significantly intensified and its further modification was ensured, which also concerns the improvement of the functioning of the mechanism of administrative and legal regulation in the field of ensuring environmental safety in Ukraine.

For example, the Law of Ukraine "On Amendments to the Law of Ukraine "On Environmental Protection" of March 5, 1998 [3] changed a number of formulations within the framework of the primary law, including, in particular, those related to their unification with the constitutional text. Thus, the specified Law on Amendments provided for replacing the words "republican extra-budgetary" with the word "State" in paragraph "d" of Article 17, and adding the words "as part of the State Budget of Ukraine" after the word "environment". That is, in this case, we are talking about those changes that relate to the understanding of Ukraine as a full-fledged sovereign state without the remnants of rudimentary post-Soviet approaches, with the abandonment of the use of the term "republic" and its replacement with the term "state" and everything related to this.

In addition, this Law on Amendments significantly modifies the mechanism of administrative and legal regulation in the field of ensuring environmental safety in terms of building a system of entities ensuring such safety in accordance with constitutional requirements. Thus, in accordance with paragraph seven of this Law, parts three and four of Article 46 of the Law of Ukraine "On Environmental Protection" were set out in the following wording: "Fees for the use of natural resources are credited to the relevant budgets in accordance with the current legislation. Funds from the environmental pollution fee are distributed between local (rural, settlement, urban), regional and republican funds of the Autonomous Republic of Crimea, as well as the State Environmental Protection Funds in the ratio of twenty, fifty and thirty percent, respectively, and between the Kyiv, Sevastopol city and State Environmental Protection Funds - in the ratio of seventy and thirty percent.

That is, in this case, we are talking about the formation at the legislative level, in particular, of such subjects of power related to ensuring environmental safety as state authorities and local self-government bodies. In addition, the above legislative measure should be considered in the context of clarifying the powers of a wide range of public authorities (state authorities and local self-government bodies) and ensuring their proper public administration in fulfilling tasks in the field of ensuring environmental safety.

On December 14, 1999, the Law of Ukraine "On Amendments to the Law of Ukraine "On the Nature Reserve Fund of Ukraine" [4] in parts one and two of Article 4, the words "the people of Ukraine" were replaced by the words "the Ukrainian people". In this case, we are not only talking about the editorial clarification of the current legislation and bringing it into formal compliance with the provisions of the Constitution of Ukraine (in particular, the preamble), but also about clarifying the understanding of environmental issues in the security dimension. Indeed, in accordance with paragraph 9 of part one of article 1 of the Law of Ukraine "On National Security of Ukraine" [5], the national security of Ukraine is considered as the protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine from real and potential threats. As will be shown below, one of the most important components of the constitutional order is to guarantee the status of such a leading subject as the Ukrainian people, as well as the issue of ecology and national security. In this regard, the above legislative steps can be considered in the context of building appropriate organizational and legal foundations for the functioning of a holistic mechanism for ensuring ecological security as one of the leading types of national security of Ukraine. In terms of forming a holistic and effective mechanism of administrative and legal regulation in the field of ensuring the ecological security of Ukraine, it should also be taken into account that the basic legislative acts in this area were adopted at the dawn of independence and before the adoption of the current Constitution of Ukraine. At the same time, after the entry into force of the Fundamental Law of Ukraine, a process (not always consistent and stable) began to bring this legislation into line with the basic provisions of the constitutional text. All this was caused by the fact that the Constitution of Ukraine at the time of its adoption was a progressive document that significantly outpaced the fundamental provisions that existed within the national legal system before the adoption of the Constitution of Ukraine. This statement also applies to the environmental sphere, which, primarily thanks to the Constitution of Ukraine, received its clearly defined development parameters, which find their concentrated embodiment in ensuring environmental security as a type of national security. All this made it possible to understand the above processes in view of such values as stability, security and balance, which in the modern world serve as the foundation for the development of statehood, social progress and guaranteeing the vital interests of every person.

That is why it is worth noting that the Constitution of Ukraine has gradually significantly modified the system of administrative and legal regulation in the field of ensuring the environmental security of Ukraine, although this process cannot be considered complete even today. First of all, it should be noted that the conceptual vision of building appropriate mechanisms for ensuring environmental security in the Constitution of Ukraine begins with its preamble. After all, it is in it that it is indicated that when adopting this document, the parliament is motivated by the desire to ensure the rights and freedoms of a person and decent living conditions, to develop and strengthen a democratic, social, legal state, and to take care of strengthening civil harmony on the land of Ukraine. In this case, what is indicated in the preamble indicates that the state is entrusted with multi-directional tasks, which in principle cannot but concern the resolution of environmental issues and ensuring environmental security.

After all, when we talk about the need to care for human rights, we can understand the introduction of a holistic mechanism of administrative and legal regulation, including in the field of ensuring environmental security. This is due to the fact that among human rights and freedoms in the modern world, a special place is occupied by rights of an ecological orientation. As noted by I. Zharovska, relying on the achievements of the ecological and legal doctrine, environmental human rights are traditionally considered as rights belonging to the third generation of rights. Which, as is known, are collective rights or rights of solidarity due to the fact that their main carriers are peoples, nations, associations of individuals, groups, and not individual individuals. At the same time, as international judicial and contractual practice shows, every person has the right to a favorable environment and the right to enjoy the full range of environmental rights that apply to both an individual and associations of individuals or peoples and nations [6, p. 42]. The Constitution of Ukraine in Article 50 enshrines a number of environmental rights: 1. The right of every person to an environment safe

for life and health. This right is both individual and collective, and also one that directly determines key aspects in the field of ensuring environmental safety. 2. The right to compensation for damage caused by a violation of the right to an environment safe for life and health. This right is already a guarantee of the implementation of the previous right. 3. The right of every person to free access to information about the state of the environment, the quality of food products and household items, as well as the right to disseminate it.

Also, the preamble to the Constitution of Ukraine indicates that the Verkhovna Rada of Ukraine, representing the entire Ukrainian people, when adopting the Constitution of Ukraine and in the further implementation of its provisions, is aware of its responsibility before God, its own conscience, previous, present and future generations. Obviously, in this case we are talking about such a specific perspective of the vision of legal responsibility as its positive (prospective) aspect. It is traditionally perceived quite critically in modern legal science and there is a well-founded explanation for this. At the same time, with regard to issues of environmental safety, responsible prospective actions, deeds, acts, etc. will be of great importance. As L. V. Mendyk notes, given the possible qualitative and quantitative, sometimes long-term and inevitable, negative environmental consequences of anthropogenic activity on the state of the natural environment and its natural components, one should agree with the need for positive responsibility in the field of environmental protection, since it is primarily important to prevent and prevent violations of environmental and legal requirements and norms by taking active positive actions regarding the rational use of natural resources and ensuring compliance with environmental safety requirements [7, p. 188]. Moreover, L. V. Reshetnyk considers positive responsibility in the field of ecology as both a legal and economic guarantee of ensuring and implementing the basic environmental right of citizens to an environment safe for life and health, and therefore as one of the guarantees of ensuring environmental safety [8, p. 84]. From the perspective of the positive responsibility of the Verkhovna Rada of Ukraine, this means taking active, scientifically based, timely and balanced measures within the framework of its constitutional powers. This concerns not only legislative activity in the field of forming a holistic mechanism of administrative and legal regulation in the field of ensuring environmental safety, but also the adoption of effective control measures in this area (measures of parliamentary control).

It is also worth noting that the above is significantly correlated with the provision of the preamble on the need for care to strengthen civil harmony on the territory of Ukraine. Undoubtedly, ensuring social (civil) harmony is associated with a number of components of state and public life. For example, O. V. Batanov believes that today there is no doubt that the unitary nature of the Ukrainian state is one of the most important factors in strengthening civil harmony on the territory of Ukraine [9, p. 87]. The Constitutional Court of Ukraine, for example, in turn, considers the achievement of civil harmony in the context of the status of the state language (Paragraph four of subparagraph 4.1 of paragraph 4 of the motivational part of the Decision of the Constitutional Court of Ukraine (Grand Chamber) dated July 14, 2021 No. 1-r/2021 in the case on the constitutional submission of 51 people's deputies of Ukraine on the compliance with the Constitution of Ukraine (constitutionality) of the Law of Ukraine "On Ensuring the Functioning of the Ukrainian Language as the State Language") [10]. At the same time, we believe that the full strengthening of civil harmony on the land of Ukraine should cover the above aspects, and its basis should be guaranteed environmental safety on our land, and this requires taking decisive measures in the legislative, law enforcement, control and other spheres.

In the legal doctrine, there are positions related to the interpretation of civil harmony in the context of the security dimension and overcoming existential threats, which undoubtedly include threats in the environmental sphere. It is no coincidence that Y. Irkha writes that the defense of Ukraine, the protection of its sovereignty, territorial integrity and inviolability, constitutional order and other vital national interests is not only one of the most important functions of the state, but also the business of the entire Ukrainian people. The preservation and development of our statehood, national identity, consciousness and spirituality, the strengthening of civil harmony should be carried out comprehensively by both public authorities and civil society institutions, individual citizens. After all, only through cooperation are they able to create a reliable system for ensuring the national security of Ukraine, which is capable of protecting a person, society and the state from real or potential threats of a military and non-military nature [11, p. 91].

In turn, M. Savenko writes that, along with a wide range of different types of interests, the Constitution of Ukraine in Article 18 uses the term "national interest". There are different views on this concept, from which it is evident that there is no consensus regarding its content and, especially, the circle of

its bearers. At the same time, there is a position of scientists who consider it as a system of relations that combines the needs of the functioning and development of the nation-people and the basis of which are the needs of society necessary for its development and functioning, the protection of the people from threats from another state (states), as well as the maintenance of social peace, order and harmony within the country [11, p. 259]. That is why we can say that strengthening civil harmony on the land of Ukraine as a duty of the Ukrainian state and an indispensable desire of society can be considered in the system of ensuring environmental security as a type of national security of Ukraine.

5. Conclusions.

Thus, today the Constitution of Ukraine as the Fundamental Law has laid a solid foundation in the system of regulating a wide range of various social relations. Among them, the leading place is occupied by issues related to ecology, ecological balance and ecological safety. Moreover, the Constitution forms such principles comprehensively, starting from the preamble and including all its other provisions. For example, the preamble of the Constitution of Ukraine, having a direct correlation with other provisions of the Fundamental Law, forms a significant basis for improving the mechanism of administrative and legal regulation in the field of ensuring the ecological safety of Ukraine.

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FEATURES OF COMPENSATION FOR PROPERTY AND MORAL DAMAGE CAUSED BY VIOLATION OF A CONTRACTUAL OBLIGATION TO DISPOSE OF PROPERTY RIGHTS TO OBJECTS OF RELATED RIGHTS

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DOI: https://doi.org/10.61345/1339-7915.2025.4.18

Annotation. This paper raises the issue of compensation for property and moral damage caused by a violation of the contractual obligation to dispose of property rights to objects of related rights from an unusual aspect, namely, the fact that according to the provisions of Clause 3, Part 2, Article 53 of the relevant Law of Ukraine "On Copyright and Related Rights", in fact, issues of compensation for moral and property damage can be addressed only in connection with such forms of disposal of property rights to objects of related rights that provide for the granting of a property right for use (the author emphasizes that, in his opinion, it is the property right for use in a certain way/ways that is granted, and not the object of related rights itself, since according to the current legislation of Ukraine, the object of intellectual property rights and the property right to it are separated from each other). The appeal in connection with such forms of disposal of property rights to objects of related rights, which provide for the transfer (alienation) of property rights, remains outside the scope of the above-mentioned provision. In connection with which, the author proposes in the work an updated version of clause 3, part 2, article 53 of the relevant Law of Ukraine "On Copyright and Related Rights" by means of a corresponding addition and forms of disposal of property rights to objects of related rights, which also provide for the transfer (alienation) of property rights. For this purpose, the author conducted a thorough analysis, in particular, of such forms of disposal of property rights to objects of related rights as an employment contract (contract) - in terms of the distribution of property rights to an official object of related rights, a contract for the creation by order and use of an object of related rights, another contract (it is meant that another contract as a form of disposal is provided for in accordance with the provisions of the current legislation of Ukraine, due to the fact that the list of forms of disposal is not exhaustive). Why else did the author of the work conduct such a thorough analysis of the forms of disposal? It was conducted in order to demonstrate that not only do there exist other forms of disposal, in addition to granting a property right for use, but also to demonstrate that a property right, including to objects of related rights, can still be transferred not completely (partially), that is, in certain ways, thus, being as if split.

A separate aspect raised in the work and actually the main one is the issue of the uncertainty of the identity of the creator of related rights, the depersonalization of such a person, by not including him in the composition of the subjects of related rights. And how can a person who is the creator of a particular related right apply for compensation for moral or property damage caused by a violation of the contractual obligation to dispose of property rights to objects of related rights, being uncertain, although according to the provisions of the current legislation of Ukraine, for example, personal non-property rights to an object, including related rights, created by an employee belong to him. In connection with the above, the author conducts a corresponding thorough analysis with a proposal also to make changes to the current wording of Part 1 of Article 55 of the relevant Law of Ukraine "On Copyright and Related Rights" in order to be consistent with the provisions of Articles 41, 54 of the Constitution of Ukraine.

Key words: creator, objects of related rights, subjects of related rights, forms of disposal of property rights to objects of related rights, depersonalization of the creator's person.

1. Introduction.

According to Art. 13 of the Civil Code of Ukraine (hereinafter referred to as the Code) "1. A person exercises civil rights within the limits granted to him by a contract or acts of civil legislation. 2. When exercising his rights, a person is obliged to refrain from actions that could violate the rights of other persons, cause harm to the environment or cultural heritage. 3. Actions of a person committed with the intention of causing harm to another person, as well as abuse of rights in other forms, are not allowed. 4. When exercising civil rights, a person must adhere to the moral principles of society. 5. The use of civil rights for the purpose of unlawfully restricting competition, abuse of a monopoly position in the market, as well as unfair competition are not allowed. 6. In the event of a person failing to comply with the requirements established by parts two to five of this article when exercising his rights, the court may oblige him to cease abusing his rights, as well as apply other consequences established by law" [1].

According to the content of Article 15 of the Code "1. Every person has the right to protection of his civil right in the event of its violation, non-recognition or challenge. 2. Every person has the right to protection of his interest, which does not contradict the general principles of civil legislation" [1].

According to the content of Article 16 of the Code "1. Every person has the right to apply to the court for protection of his personal non-property right or property right and interest. 2. The methods of protection of civil rights and interests may be: 1) recognition of the right; 2) recognition of the transaction as invalid; 3) termination of the action that violates the right; 4) restoration of the situation that existed before the violation; 5) forced performance of the obligation in kind; 6) change of legal relationship; 7) termination of legal relationship; 8) compensation for losses and other methods of compensation for property damage; 9) compensation for moral (non-property) damage; 10) recognition as illegal the decisions, actions or inaction of state authorities, authorities of the Autonomous Republic of Crimea or local self-government bodies, their officials and employees. The court may protect a civil right or interest in another way established by a contract or law or by the court in cases specified by law. 3. The court may refuse to protect a civil right or interest of a person in the event of his violation of the provisions of parts two to five of Article 13 of this Code" [1].

According to Clause 3, Part 2, Article 53 of the Law of Ukraine "On Copyright and Related Rights" (hereinafter referred to as the Law) "2. Violation of personal non-property and/or property copyright and related rights is, in particular: 3) use of an object of copyright or an object of related rights, if such actions do not fall under the cases of free use of objects of copyright or objects of related rights provided for by this Law, with the permission of the subject of such rights, but in violation of the conditions under which such permission was granted (exceeding the circulation stipulated by the contract, use of the object in a manner not stipulated by the contract, violation of the terms of a public license, etc.);" [2]. That is, in fact, the above provision refers to cases of violation of the contractual obligation to dispose of property rights to objects of related rights. But can we talk about the fact that a violation of a contractual obligation to dispose of property rights to objects of related rights is possible only when concluding agreements on the granting of property rights to an object of related rights for use? Probably not. It seems that a violation of a contractual obligation in the field of disposal of property rights to objects of related rights is also possible when concluding agreements when transferring (alienating) such a property right. So, the first problematic issue that we encounter when considering the features of compensation for property and moral damage caused by a violation of a contractual obligation to dispose of property rights to objects of related rights is the failure to take into account the above-mentioned clause 3, part 2, article 53 of the Law of all forms of disposal provided for by the same Law. Thus, according to part 1, article 48 of the Law "1. Disposal of property rights to copyright objects or objects of related rights may be carried out on the basis of: 1) an employment contract (contract) - in terms of the conditions for the distribution of property rights to a service work or service performance, service phonogram, service videogram; 2) an agreement on the creation to order and use of a copyright object or object of related rights; 3) an agreement on the transfer (alienation) of property rights to a copyright object or object of related rights; 4) a license agreement for the use of a copyright object or object of related rights; 5) a public license for the use of a copyright object or object of related rights; 6) another transaction for the disposal of property rights to a copyright object or object of related rights. The terms of transactions regarding the disposal of property rights to copyright objects or objects of related rights regarding

the transfer (alienation) or granting of permission to use (license) regarding the property right for fair remuneration, provided for in Part Three of Article 12, Part Three of Article 38, Part Three of Article 39, Part Three of Article 40 of this Law, are null and void" [2].

Why, in our opinion, is the disregard of all the above-mentioned forms of disposal and what is it connected with? In addition to the usual lacuna, in our opinion, such disregard is connected with the legislator's vision of the composition of subjects of related rights, the main drawback of which we consider to be the absence of the actual identity of the creator who creates this or that object of related rights, the depersonalization of such a person. To date, the composition of subjects of related rights is enshrined in Part 2 of Article 35 of the Law, namely "2. Subjects of related rights are: 1) the performer (the primary subject of related rights to perform), the heirs of the performer and other individuals or legal entities who have acquired property rights to perform on the basis of a contract or law; 2) the producer of the phonogram (the primary subject of related rights to the phonogram), the heirs (successors) of the producer of the phonogram and other individuals or legal entities who have acquired property rights to the phonogram on the basis of a contract or law; 3) the producer of the videogram (the primary subject of related rights to the videogram), the heirs (successors) of the producer of the videogram and other individuals or legal entities who have acquired property rights to the videogram on the basis of a contract or law; 4) the broadcasting organization (the primary subject of related rights to the program of the broadcasting organization), the successors of the broadcasting organization and other individuals or legal entities who have acquired property rights to the program of the broadcasting organization on the basis of a contract or law" [2].

In order to demonstrate the correctness of the judgment we have stated above, we will turn to such a form of disposal of property rights to objects of related rights as an employment contract (contract) in terms of the distribution of property rights to the created service object of related rights.

Thus, according to Part 1, 2 of Article 14 of the Law "1. Personal non-property copyrights to a service work belong to the employee whose creative work created such a work. 2. Property rights to a service work are transferred to the employer from the moment of the creation of the service work in full, unless otherwise provided by this Law, an employment contract (contract) or another agreement on property rights to a service work concluded between the employee (author) and the employer. If property rights to the work are transferred to the employer, the employee who is the author of the service work has the right to remuneration. If the employee's job duties directly involve the creation of official works of the relevant types, the author's remuneration for the creation and use of such works, as well as for the transfer of rights to them, may be included in the employee's salary in accordance with the agreement between the employee and the employer" [2]. From the above, it follows that the person who created the official object of related rights, as a general rule, as if loses his property rights to the created official object of related rights. At the same time, can we say that such an actual transfer (alienation) of property rights always occurs with the observance of the rights of the person who is the creator? We would like to think that yes, but we can certainly assume that this does not always happen in practice. The non-inclusion of this type of agreement in the field of disposal of property rights to objects of related rights in the content of clause 3, part 2 of Art. 53 of the Law automatically deprives the possibility of considering a potential breach of contractual obligations under this type of contract, and accordingly, of considering the issue of compensation for moral and property damage. We note that, in our opinion, an employment contract (contract) in the field of disposal of property rights to created service objects of related rights is essentially an agreement on the transfer (alienation) of property rights to a created service object of related rights.

If we return to the analysis of the subject composition, we can see that the individual as the creator is not reflected anywhere, except for the performer. What does this say? This indicates that the phonogram is created by the phonogram producer, the videogram is created by the videogram producer, the program of the broadcasting organization is created by the broadcasting organization as primary subjects without the "alleged" actual participation of the person who is the creator of the above-mentioned objects.

At the same time, if we analyze the contract itself on the transfer (alienation) of property rights, including objects of related rights, it is clear that property rights can be transferred, for example, not to all methods of using such property rights and, accordingly, violations are possible in this aspect as well.

Thus, according to Part 1 of Article 49 of the Law "1. The subject of copyright or related rights may transfer (alienate) his property rights to the object of copyright or related rights, provided for in accordance with Part One of Article 12, Part One of Article 38, Part One of Article 39, Part One of Article 40 of this Law, to any other person in full on the territory of all states of the world or partially for certain methods of use on the territory of certain states of the world, or for all methods of use on the territory of certain states of the world. In the event of transfer (alienation) of property rights to the object of copyright or related rights, property rights in part to the extent not provided for in the agreement shall be deemed not to have been transferred (alienated). The subject of an agreement on the transfer (alienation) of property rights to the objects of copyright and related rights may not be objects and property rights that did not exist at the time of conclusion of the agreement" [2].

In view of the above-mentioned norm, we note that in our opinion, the very understanding of the employment contract (contract) is dissonant with the understanding of the contract on the transfer (alienation) of property rights to the object of related rights. In the future, we consider it appropriate to replace the employment contract (contract) in terms of the distribution of property rights to the created service object of related rights with a new form of contract - a contract on the transfer (alienation) of property rights to the created service object of copyright and/or related rights.

Subsequently, the failure to take into account in clause 3, part 2, article 53 of the Law all forms of disposal of property rights, including objects of related rights, was reflected in other norms of the relevant Law. Let us consider these norms.

Thus, according to Part 1 of Article 55 of the Law "1. For the protection of copyright or related rights, as well as rights of a special kind (sui generis), the following have the right to apply to the court and other bodies in accordance with their competence in accordance with the established procedure: 1) copyright holders or related rights holders to protect their copyright or related rights; 2) persons who have been granted the exclusive right to use copyright objects and/or related rights objects and/or who have the right to receive a share of the remuneration for the use of copyright objects and/or related rights objects, to protect their rights and/or legally protected interests within the framework of an agreement with a copyright holder or related rights holder from unlawful encroachments by any third party on the rights of such licensee or the rights of the recipient of a share of the said remuneration; 3) collective management organizations in accordance with the instructions of rightholders-counterparties for voluntary collective management in accordance with the Law of Ukraine "On Effective Management of Property Rights of Rightholders in the Field of Copyright and (or) Related Rights" taking into account the scope of their activities specified in the register of collective management organizations; 4) accredited collective management organizations taking into account the scope of their accreditation specified in the register of collective management organizations; 5) persons who own a special kind of right (sui generis)" [2]. Thus, analyzing the above-mentioned norm, we can see in the continuation of our consideration of the composition of subjects of related rights that a person who directly created a particular object of related rights and is essentially its creator is deprived of the opportunity to apply for civil law protection due to his non-inclusion in the composition of subjects of related rights. Does the reader of this work not find a paradoxical situation in which a person who is the creator of an object of related rights is both undefined, impersonal and deprived of the opportunity to protect his violated related rights? The answer is, in our opinion, quite shocking. Since it turns out that such a person who creates "as if" does not exist, and therefore his right as a subject cannot be violated because he is not included in the composition of subjects of related rights.

The relevance of the aspect raised by us above is especially acute in the context of the fact that according to the Constitution of Ukraine, Art. 41 "Everyone has the right to own, use and dispose of his property, the results of his intellectual, creative activity. The right to private property is acquired in the manner prescribed by law. No one may be unlawfully deprived of the right to property. The right to private property is inviolable. Forced alienation of private property rights may be applied only as an exception for reasons of public necessity, on the grounds and in the manner established by law, and subject to prior and full compensation for their value. Forced alienation of such objects with subsequent full compensation for their value is permitted only in conditions of war or a state of emergency. Confiscation of property may be applied exclusively by court decision in cases, to the extent and in the manner established by law. The use of property may not harm the rights, freedoms and dignity of citizens, the interests of society, or worsen the ecological situation and natural qualities of the land" [3]. According

to Art. 54 of the Constitution of Ukraine "Citizens are guaranteed freedom of literary, artistic, scientific and technical creativity, protection of intellectual property, their copyrights, moral and material interests arising in connection with various types of intellectual activity. Every citizen has the right to the results of his intellectual, creative activity; no one may use or distribute them without his consent, with exceptions established by law. The state promotes the development of science, the establishment of scientific ties between Ukraine and the world community. Cultural heritage is protected by law. The state ensures the preservation of historical monuments and other objects of cultural value, takes measures to return to Ukraine the cultural values of the people that are outside its borders" [3].

Returning to the consideration of Article 55 of the Law, namely Part 2, we note that according to this provision "2. The persons specified in Part One of this Article have the right to apply to the court for protection of copyright and/or related rights with any claims not prohibited by law, in particular for: 1) recognition of copyright or related rights; 2) restoration of the situation that existed before the violation; 3) cessation and/or prohibition of actions that violate copyright and/or related rights or create a threat of their violation; 4) collection of remuneration provided for by the legislation on copyright and related rights; 5) compensation for moral damage; 6) compensation for losses caused by violation of copyright or related rights, including lost profits, or recovery of income received by the infringer as a result of his violation of copyright or related rights, or recovery of compensation; 7) termination of preparatory actions for the violation of copyright and/or related rights, including by suspending customs procedures, if there are grounds to believe that pirated copies of works, phonograms, videograms, means of circumventing technological means of protection of copyright objects and/or related rights objects, etc. may be passed into or from the customs territory of Ukraine; 8) publication at the expense of the violator in the mass media of data on committed violations of copyright and/or related rights and court decisions regarding these violations; 9) taking other measures provided for by law related to the protection of copyright and/or related rights" [2]. Based on the above provision, as well as Part 1 of Art. 55 of the Law, it follows that persons who are creators of objects of related rights, for example, when creating service objects of related rights, as a general rule, are deprived of the opportunity to apply to the court for compensation for both moral and material damage, right?

We will devote our attention to a more detailed consideration of the issue raised, as well as the issues raised above, in the presentation of the main material.

2. Analysis of recent research and publications.

Issues related to the topic of the study were previously studied by such scientists as Shimon S. I., Stefan A. S., Yakubivsky I. E. and others. However, the issue of compensation for property and moral damage caused by violation of the contractual obligation to dispose of property rights to objects of related rights due to the absence of the person who created the object of related rights in accordance with the current legislation of Ukraine, as well as the failure to take into account all the forms of disposal of property rights to objects of related rights provided for by the current legislation, has not been studied before, and therefore the presented study is perhaps the first in this aspect.

3. Purpose of the study.

The purpose of the study of this work is to identify problematic aspects of compensation for property and moral damage caused by violation of the contractual obligation to dispose of property rights to objects of related rights, as well as to develop ways to overcome them by making proposals for amendments to the current versions of the relevant legislation of Ukraine. Thus, the main problematic aspect that we highlight is the absence of the person of the creator of the object of related rights, the depersonalization of such a person, and accordingly the deprivation of the opportunity to apply for compensation for property and moral damage, as well as a narrow presentation of the forms of disposal of property rights to objects of related rights without taking into account contracts under which the transfer (alienation) of property rights to objects of related rights occurs in accordance with clause 3 part 2 of article 53 of the Law of Ukraine "On Copyright and Related Rights".

4. Presentation of the main material.

Let's begin the consideration of the main material by considering the forms of disposal of property rights, including objects of related rights from the already mentioned part 1 of Article 48 of the relevant Law. Thus, according to this norm "1. Disposal of property rights to objects of copyright or objects of related rights may be carried out on the basis of: 1) an employment contract (contract) - in terms of the conditions for the distribution of property rights to a service work or service performance, service phonogram, service videogram; 2) an agreement on the creation to order and use of an object of copyright or an object of related rights; 3) an agreement on the transfer (alienation) of property rights to an object of copyright or an object of related rights; 4) a license agreement for the use of an object of copyright or an object of related rights; 5) a public license to use an object of copyright or an object of related rights; 6) another transaction on the disposal of property rights to an object of copyright or an object of related rights. The terms of transactions on the disposal of property rights to objects of copyright or objects of related rights regarding the transfer (alienation) or granting of permission to use (license) in relation to the property right for fair remuneration, provided for in Part Three of Article 12, Part Three of Article 38, Part Three of Article 39, Part Three of Article 40 of this Law, are null and void" [2].

According to the provisions of the Code, namely Part 1 of Article 1107 "1. Disposal of property rights to intellectual property is carried out on the basis of the following transactions: 1) a license to use an object of intellectual property rights; 2) a license agreement; 3) an agreement on the creation to order and use of an object of intellectual property rights; 4) an agreement on the transfer of exclusive property rights to intellectual property; 5) another transaction on the disposal of property rights to intellectual property" [1].

That is, both the provisions of the relevant Law and the provisions of the Code provide, in fact, if we classify them, two groups of agreements on the disposal of property rights to objects, including related rights. One of which is actually made up of agreements on the transfer (alienation) of property rights to objects of related rights. According to the opinion of the author of this work, this group, taking into account the above-mentioned provisions, includes such forms of disposal as an employment contract (contract) - in terms of the conditions for the distribution of property rights to service objects of related rights (the author's position on the fact that this contract by its legal nature is an agreement on the transfer (alienation) of property rights is given above in the statement of the problem), an agreement on the creation to order and use of an object of related rights, an agreement on the transfer (alienation) of property rights to an object of related rights, another transaction on the disposal of property rights to an object of related rights. It is considered appropriate to additionally explain the author's position on such a form of disposal as an agreement on the creation to order and use of an object of related rights in the context of its classification as a group of agreements on the transfer (alienation) of property rights to objects of related rights.

Thus, according to Art. 1112 of the Code "1. Under a contract for the creation by order and use of an object of intellectual property rights, one party (the creator - a writer, artist, etc.) undertakes to create an object of intellectual property rights in accordance with the requirements of the other party (the customer) and within the established period. 2 The contract for the creation by order and use of an object of intellectual property rights must determine the methods and conditions of use of this object by the customer. 3. The original work of fine art created by order shall become the property of the customer. In this case, the intellectual property rights to such a work shall remain with its author, unless otherwise established by the contract or law. 4. The terms of the contract for the creation by order and use of an object of intellectual property rights that restrict the right of the creator of this object to create other objects shall be null and void" [1].

According to Art. 15 of the relevant Law "1. Personal non-property copyrights to a work created to order belong to the author. 2. Property rights to a work created to order pass to the customer from the moment of creation of the work in its entirety, unless otherwise provided for by the order contract. Property rights to intellectual property to a work of fine art created to order (except for a work specially created as an element of a computer program) belong to its author, unless otherwise provided for by the contract or law. 3. If property rights to a work pass to the customer, the author has the right to remuneration. 4. The customer has the right to make changes to the work created to order, to accompany it with illustrations, prefaces, afterwords, etc., unless otherwise provided for by the order contract" [2].

As we can see from the above provisions of the Code and the relevant Law, there is a certain contradiction between them. This contradiction lies in the fact that according to the relevant Law, property rights are transferred, as a general rule, to the customer in full from the moment of creation of the work. According to the provisions of the Code, this type of contract must determine the conditions and methods of use, including the object of related rights created by order. In our opinion, the determination of the methods and conditions of use of the object cannot concern the fact that the object of related rights created by order and the property right to use in certain ways is actually granted for use. In our opinion, this contradicts the internal logic of this contract, since in order to obtain the property right to use, including the object of related rights, there are such civil constructions as a license agreement, a public license.

The main problem of this form of disposition is that according to the provisions of the relevant Law, as a general rule, we are talking about the automatic transfer of property rights from the moment of creation in full. Let us ask ourselves the question, can a situation arise in practice when payment is not made for a commissioned object of related rights or between the customer and the creator of related rights it is agreed that property rights will be transferred only for certain methods of use? It is certain that the situations we have indicated can take place.

We will also briefly note why we have classified another transaction on the disposal of property rights to an object of related rights according to the classification proposed by the author to the group of agreements on the transfer (alienation) of property rights to an object of related rights. This is due to the fact that the list of forms of disposal of property rights, including to objects of related rights, is not exhaustive, neither under the relevant Law nor under the Code, and accordingly, it is possible to use other civil law constructions of agreements to regulate relations in the field of intellectual property. Moreover, according to Art. 6 of the Code "1. The parties have the right to conclude a contract that is not provided for by acts of civil legislation, but complies with the general principles of civil legislation. 2. The parties have the right to regulate in a contract that is provided for by acts of civil legislation, their relations that are not regulated by these acts. 3. The parties to the contract may depart from the provisions of acts of civil legislation and regulate their relations at their own discretion. The parties to the contract may not depart from the provisions of acts of civil legislation, if these acts expressly state this, as well as if the binding nature of the provisions of acts of civil legislation for the parties follows from their content or from the essence of the relations between the parties. 4. The provisions of parts one, two and three of this article shall also apply to unilateral transactions" [1].

Taking into account the above argumentation, we believe that the failure to include such a wide range of agreements, namely an employment contract (contract) - in terms of the conditions for the distribution of property rights to service objects of related rights, an agreement on the creation to order and use of an object of related rights, an agreement on the transfer (alienation) of property rights to an object of related rights, another transaction on the disposal of property rights to an object of related rights, as well as the failure to take into account that the transfer (alienation) may occur partially in relation to certain methods of use, currently significantly reduces the possibilities, if not makes it impossible, to compensate for property and moral damage caused by the violation of the contractual obligation to dispose of property rights to objects of related rights, taking into account the content of clause 3, part 2, article 53 of the relevant Law, given by the author in the statement of the problem. In this regard, it is considered appropriate to make appropriate changes to the current version of the specified norm by supplementing it.

Speaking about the second problematic aspect raised by the author of the work, namely the depersonalization of the creator of related rights and his failure to include him in the composition of related rights subjects, we note the following.

The first logical question that arises is the question of why this is possible? In our opinion, this is due to the not entirely correct understanding that if a certain object of intellectual property rights, including the object of related rights, is created using modern technical devices, then the creative component is lost. But here, it is necessary to understand that the objects of related rights are distinguished from sui generis objects under current legislation and the main distinction lies precisely in the fact that when creating sui generis objects, the participation of the creator is excluded. And if, nevertheless, such participation is not excluded when creating objects of related rights, then can we speak of such participation being purely technical? Certainly not. Although, of course, technical

workers also participate in the creation of objects of related rights. But at the same time, there are also creators, artists, whose participation cannot be leveled either. For example, can each phonogram make a performer world-famous? Certainly not. And what about such an object of related rights as a program of a broadcasting organization? Doesn't a whole galaxy of artists sometimes work on the creation of this object of related rights? Certainly, it works.

Currently, subjects of related rights are represented by the following composition according to Part 2 of Article 35 of the relevant Law "2. The subjects of related rights are: 1) the performer (the primary subject of related rights to the performance), the performer's heirs and other individuals or legal entities who have acquired property rights to the performance on the basis of a contract or law; 2) the phonogram producer (the primary subject of related rights to the phonogram), the heirs (successors) of the phonogram producer and other individuals or legal entities who have acquired property rights to the phonogram on the basis of a contract or law; 3) the videogram producer (the primary subject of related rights to the videogram), the heirs (successors) of the videogram producer and other individuals or legal entities who have acquired property rights to the videogram on the basis of a contract or law; 4) broadcasting organization (the primary subject of related rights to the broadcasting organization's program), successors of the broadcasting organization and other individuals or legal entities that have acquired property rights to the broadcasting organization's program on the basis of a contract or law" [2].

According to Part 1 of Article 33 of the Law, "1. A non-original object generated by a computer program is an object that differs from existing similar objects and is created as a result of the functioning of a computer program without the direct participation of an individual in the creation of this object. Works created by individuals using computer technologies are not considered non-original objects generated by a computer program" [2].

Why is it important to make changes to the subject composition? Because this issue is of primary importance in compensating for property and moral damage caused by a violation of the contractual obligation to dispose of property rights to objects of related rights, and today the rights of the creators of such objects are not protected, since they are not defined as creators.

It is considered appropriate that the changes proposed by the author below be in line with the rethinking of the moment of emergence of related rights, since currently, according to Part 1 of Article 36 of the Law, "1. Related rights arise as a result of the fact of: 1) each performance; 2) production of a phonogram; 3) production of a videogram; 4) first broadcast of a program by a broadcasting organization" [2]. Summarizing all of the above, we note that the depersonalization of the creator's person when creating objects of related rights goes beyond compensation for moral and property damage caused by a violation of the contractual obligation to dispose of property rights to objects of related rights, since the list of requirements with which, in particular, subjects of related rights can apply to the court for protection of their related rights is quite broad and is not exhaustive according to Part 2 of Article 55 of the Law. The introduction of the changes we have provided below to the current versions of the articles will allow them to be brought into line with the content of Part 1 of Article 15 of the Code "1. Every person has the right to protection of his civil right in case of violation, non-recognition or challenge" [1], which we cited in the statement of the problem, as well as such articles of the Constitution of Ukraine as 41 and 54 (also cited above in the statement of the problem) especially in the context of such forms of disposal of property rights to objects of related rights as an employment contract (contract) - in terms of the conditions for the distribution of property rights to an official object of related rights and an agreement on the creation by order and use of an object of related rights.

A separate issue, which, in the author's opinion, has the right to a separate scientific study in continuation of the topic of the publication, is the issue of the relationship between the personal non-property rights of an employee to an official work, the personal non-property rights of the author to a work created to order in terms of compensation for property and moral damage caused by a violation of the contractual obligation to dispose of property rights in connection with the problematic aspects raised in the work. Moreover, as already noted in the text of the work, according to Part 1 of Article 14 of the Law "1. Personal non-property copyright to an official work belongs to the employee whose creative work created the work" [2], Part 1 of Article 15 of the Law "1. Personal non-property copyright to a work created to order belongs to the author" [2].

5. Conclusions.

Based on the above, the author proposes to supplement clause 3 of part 2 of article 53 of the relevant Law. The current wording is as follows: "3) use of an object of copyright or an object of related rights, if such actions do not fall under the cases of free use of objects of copyright or objects of related rights provided for by this Law, with the permission of the subject of such rights, but in violation of the conditions under which such permission was granted (exceeding the circulation stipulated by the contract, use of the object in a manner not stipulated by the contract, violation of the terms of a public license, etc.);" [2]. The above-mentioned current wording is proposed to be supplemented as follows - use of an object of copyright or an object of related rights, if such actions do not fall under the cases of free use of objects of copyright or objects of related rights provided for by this Law, with the permission of the subject of such rights, but in violation of the conditions under which such permission was granted (exceeding the circulation stipulated by the contract, use of the object in a manner not stipulated by the contract, violation of the terms of a public license, etc.) or use of an object of copyright or an object of related rights in ways not specified in agreements on the transfer (alienation) of property rights to objects of copyright or objects of related rights.

It is proposed to amend Part 1 of Art. 55 of the relevant Law by including in its content the creators of copyright objects and/or objects of related rights and accordingly state it as follows: 1. For the protection of copyright or related rights, as well as rights of a special kind (sui generis), the following have the right to apply to the court and other bodies in accordance with their competence in the established procedure: 1) creators of copyright objects and/or objects of related rights; 2) subjects of copyright or subjects of related rights to protect their copyright or related rights; 3) persons who have been granted the exclusive right to use copyright objects and/or objects of related rights and/or who have the right to receive a share of the remuneration for the use of copyright objects and/or objects of related rights, to protect their rights and/or legally protected interests within the framework of an agreement with a copyright holder or a subject of related rights from unlawful encroachments by any third party on the rights of such a licensee or the rights of the recipient of a share of the said remuneration; 4) collective management organizations in accordance with the instructions of rightholders-counterparts for voluntary collective management in accordance with the Law of Ukraine "On Effective Management of Property Rights of Rightholders in the Field of Copyright and/or Related Rights" taking into account the scope of their activities specified in the register of collective management organizations; 5) accredited collective management organizations taking into account the scope of their accreditation specified in the register of collective management organizations; 6) persons who own a right of a special kind (sui generis)".

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PRESENTATION OF A CORPSE FOR IDENTIFICATION UNDER MARTIAL LAW

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DOI: https://doi.org/10.61345/1339-7915.2025.4.19

There's an answer somewhere in this case,
you just have to find it.

Annotation. The article is devoted to the analysis of the investigative (search) action: presentation for identification of a corpse under martial law. It is noted that this type of identification has significant differences from other types, both in terms of the specificity of the object of identification, and in terms of the goals and objectives that must be achieved and fulfilled during its conduct, and therefore the procedural rules for its conduct have certain peculiarities. It is emphasized that, first of all, during the pre-trial investigation, the identification does not take place of the corpse as such, but of an unknown person whose corpse has been found, or of a person whose identity is in doubt.

It is emphasized that most often during martial law in Ukraine, an inspection of the scene of the incident is carried out, but the presentation of the corpse for identification takes second place among the most frequent investigative (search) actions.

The thesis is substantiated that in order to identify and record information about the circumstances of the commission of a criminal offense, the investigator and prosecutor conduct an inspection of the scene of the crime (Article 237 of the Code of Criminal Procedure of Ukraine). The examination of the corpse is carried out with the mandatory participation of a forensic medical expert or doctor, if it is impossible to involve a forensic medical expert in time. After the examination, the corpse is subject to mandatory referral for forensic medical examination to establish the cause of death (Article 238 of the Code of Criminal Procedure of Ukraine).

It has been proven that one of the most effective investigative (search) actions of an identification nature, the need for which may arise during the investigation of the vast majority of criminal offenses, is presentation for identification. The practical importance of this investigative (search) action has led to constant attention to it by the sciences of criminology and criminal procedure, in which the specified investigative (search) action has been considered in various aspects for a long time.

It is noted that the procedural procedure for presenting a corpse for identification is regulated by the norms of the Criminal Procedure Code of Ukraine, compliance with which is mandatory and strict. Failure to comply with the procedural rules for conducting an investigative (search) action is a violation of the law and entails its recognition as legally invalid and inadmissible.

Key words: orpse, identification, martial law, scene of the incident, environment.

1. Introduction.

The quality of criminal activity in the investigation of criminal proceedings directly depends on the completeness of legal norms and clear and specific provisions of the current Criminal Code of Ukraine on the adoption of procedural decisions aimed at prompt pre-trial investigation and trial. This provision fully applies to the conduct of investigative (search) actions, including the presentation

of corpses for identification. With timely implementation, it can be used to confirm existing evidence in criminal proceedings or to obtain new evidence, which is critically important for supporting the prosecution's version of the criminal offense or refuting such a version.

First of all, all actions to initiate a pre-trial investigation of criminal offenses are directly related to investigative (search) and covert investigative (search) actions, because they are the most effective means of collecting evidence. In addition, investigative (search) actions are the main way to collect evidence in criminal proceedings and are of increased interest to scholars on issues of regulatory and legal regulation and practical implementation. Taking into account the conditions of action of special legal regimes, in particular the war in Ukraine, traditional means of pre-trial investigation in many cases do not allow to achieve the desired result and lead to the loss of necessary evidence, and sometimes endanger the life and health of participants in criminal proceedings, which fully applies to identification in criminal proceedings.

2. Analysis of scientific publications.

Analysis of recent studies and publications focused on the consideration and solution of this problem shows that the issues of the procedural order of presentation for identification are given considerable attention in modern legal literature. The procedural and tactical aspects of presentation for identification were studied by the following scholars: Yu.P. Alenin, I.V. Basista, Goncharenko, M.V. Danshyn, A.V. Ishchenko, V.V. Kovalenko, I.I. Kogutych, N.I. Klymenko, V.V. Lysenko, E.D. Luk'yanchikov, M.V. Saltevsky, M.A. Pogoretsky, R.L. Stepaniuk, K.O. Chaplynsky, S.S. Chernyavsky, V.Yu. Shepitko, M.G. Shcherbakovsky and others.

3. The purpose of the work.

The purpose of the scientific article is to determine the possibilities of identifying deceased persons through presentation for identification and to outline the main problems along the way.

4. Review and discussion.

The presentation of a corpse for identification is carried out in compliance with the requirements stipulated in Art. 228, Art. 230 of the Code of Criminal Procedure of Ukraine. Before presenting the corpse of a person for identification, the investigator, prosecutor shall first find out whether the person who is identifying can recognize this person, question him about his appearance and features, as well as the circumstances under which he saw this person, about which he draws up a report. If the person states that he cannot name the features by which he recognizes the person, but can recognize him by a set of features, the report shall indicate by a set of features by which he can recognize the person. The presentation of a person's corpse for identification is necessarily preceded by an interrogation (people who have relatives or loved ones who have disappeared are questioned, whether they witnessed torture, executions, and so on), so it is necessary to find out: the person's last name, first name, and middle name; age; profession; external signs (height, build, color of hair, eyes, skin, etc.); when the person was last seen; how they were dressed, what things they had with them; other features of appearance (tattoos, piercings, condition of teeth, presence of dentures, postoperative scars).

Presentation of a corpse for identification is one of the means of establishing its identity. The corpse or its parts can be presented both at the place of discovery and in the morgue. Most often, close relatives, family members, friends, acquaintances who knew about the life of the deceased take part in such an investigative (search) action. Therefore, the investigator must pay special attention to the psychological preparation of the person who will be identified. Death greatly changes the appearance of a person. Therefore, it is important, before presenting for identification, to first find out whether the person who is identifying can really identify the corpse, to ask the person who is identifying the corpse about the appearance and signs of the deceased, which should be recorded in the protocol [1, p.118]

The investigator must pay special attention to the psychological preparation of the person identifying the body before conducting the identification. For this purpose, a psychologist may be invited. This is especially relevant when it comes to crimes against the life of a person that were the result of military aggression and caused the death of many people.

According to Art. 230 of the Criminal Procedure Code of Ukraine, the presentation of a corpse for identification is carried out in compliance with the requirements stipulated in Parts 1 and 8 of Art. 228 of the Criminal Procedure Code of Ukraine. As is known, one corpse is presented for identification, and the requirements of Part 2 of Art. 228 of the Criminal Procedure Code of Ukraine do not apply to this type of investigative (detective) action. It is quite clear that the principles of psychology are laid down in the basis of such a provision (in particular, the prevention of psychotraumatic effects on a person).

Preliminary interrogation of the person identifying the body on the specified grounds should maximally narrow the circle of corpses that can be presented for identification. A more balanced approach may be to present the corpse in a photo or video image. However, we note that in many cases, bodies can be severely distorted, fragmented due to explosive and gunshot wounds, exposure to high temperatures and adverse natural factors. Because of this, identification-significant features for visual recognition are lost. Therefore, the only way to identify a person under such conditions is to order a molecular genetic examination [2, p.663-664]

During the examination of the corpse, the investigator must directly perceive the situation at the scene of the incident, which is the place where the corpse was discovered, identify and analyze sources of evidentiary information. Examination of the corpse, like any investigative (search) action, must be carried out in compliance with certain principles stipulated by the Code of Criminal Procedure of Ukraine, namely: unified leadership, planning and purposefulness, clear organization, application of special knowledge (mandatory involvement of a forensic expert or doctor), technical - forensic and other means of collecting information, etc. [3, p.53]

It seems reasonable to think that if the deceased was identified by appearance, then it is necessary to carry out such an investigative (search) action as presenting the body for identification. The main subjects of identification can be close family members. As we have already indicated above, such a procedure is painful and sometimes unbearable, therefore the participation of a psychologist is extremely advisable and necessary, because the recognizer, being in a state of shock, may incorrectly assess the found soldier due to the refusal to accept the fact of the death of a loved one. On the eve of identification, the investigator or prosecutor must interview the person who recognizes, regarding appearance, special features of the possible serviceman. The consequence of such action is the drawing up of a protocol. Identification can be carried out using photographs, video materials or at points of collection and storage of bodies and remains.

To establish the possibility of presenting for identification in general and to determine the type of this investigative (detective) action during the interrogation of the future identifying person, among other things, his psychological characteristics must be established, in particular, a tendency to suggestion, the ability to remember certain life circumstances, etc.

The criminal procedural legislation of Ukraine regulates the procedure and specifics of examining a corpse when examining the scene of the incident, namely, Part 1 of Article 238 of the Code of Criminal Procedure of Ukraine states that ... the examination of the corpse is carried out by an investigator or prosecutor with the mandatory participation of a forensic medical expert or doctor ... In particular, the examination of the corpse can be carried out simultaneously with the examination of the scene of the incident, thus the legislator regulates two procedural actions, i.e. without distinguishing the corpse as a separate object of research (Part 2 of Article 238 of the Code of Criminal Procedure of Ukraine). After a thorough collection of materials and an external examination of the corpse, which is conducted by an investigator or prosecutor in the presence of witnesses, the corpse is sent to a state specialized institution to determine the cause of death and is an independent object of research during a forensic medical examination (Part 3, Article 238 of the Criminal Procedure Code).

Ukrainian experts emphasize that when identifying deceased persons in emergency situations with mass casualties in Ukraine, a comprehensive approach should be used, i.e., it is necessary to start with traditional methods of identification studies with the determination of general features,

and only then move on to individual ones. DNA analysis should not be the only method of positive identification. In cases of mass deaths due to disasters and military conflicts, the role of preliminary establishment of a biological profile increases, i.e., determination of general features: race, gender, age, height, size of headgear, blood type, other general identification features, which are not only a source of additional information, but also allow for forensic delimitation of objects subject to identification [4]

Preliminary interrogation of the person performing the identification on the specified features should significantly narrow the range of corpses that can be presented for identification. In addition, in our opinion, a more balanced approach may be to present a corpse for identification by photo or video. At the same time, we note that in many cases, bodies can be severely distorted, fragmented due to explosive and gunshot wounds, exposure to extremely high temperatures and adverse natural factors. Because of this, identification-significant features for visual identification are lost. Therefore, the only way to identify a person under such conditions is to order a molecular genetic examination [5, p.251]

In the practice of pre-trial investigation, there are two main cases of presenting a corpse for identification. The first case occurs when organizing a presentation immediately after inspecting the scene, and the investigator is often deprived of the opportunity to question anyone about the signs of an unknown person whose corpse will be presented. Under such circumstances, without prior interrogation, the corpse is presented to residents of nearby houses, streets, as well as to officials who communicate with the population. The second case occurs when, at the time of identification, there is information about the disappearance of a certain person, their relatives or acquaintances are questioned, and then the corpse is presented to them for identification [6, p. 250]

The basis for this type of presentation for identification is the discovery of a corpse that could not be immediately identified due to the lack of documents or persons who knew the deceased. From the specified investigative (search) action, it is necessary to distinguish the so-called «operative identification» of the corpse, when it is presented immediately after the inspection of the scene of the incident to residents of nearby buildings, as well as to officials who communicate with the population, without observing the procedural rules for presentation for identification. The legislation does not provide for the presentation of things or a corpse for identification by photographs or video materials, however, investigative practice requires this type of presentation for identification, especially in conditions of war realities. Thus, quite often there is a need to present a corpse for identification by photographs, when at the time of presentation of the corpse for identification the corpse was not preserved for identification and the identity of the victim was not established, but there are photographs of the corpse in the materials of the criminal proceedings. Focusing on the needs of investigative practice, the literature proposes to regulate the procedure for presenting a corpse for identification by supplementing the relevant articles of the Criminal Procedure Code of Ukraine with a norm regarding the possibility of presenting a corpse or things for identification by photographs or video materials [7, p.266]

Therefore, presenting a corpse for identification in accordance with Art. 230 of the Criminal Procedure Code of Ukraine is carried out in a situation where there is information about the disappearance of a certain person. In this case, to identify the deceased, his relatives or acquaintances are interrogated in order to establish the possibility of their recognition of the corpse. During the interrogation, it is necessary to find out: last name, first name, patronymic; age; profession; external signs (height, condition and color of hair on the head, color of eyes, skin, etc.); when the person was last seen; how he was dressed, what things were with him; special signs (tattoos, condition of teeth - presence of fillings, crowns, dentures, absence of individual teeth, etc., postoperative scars, etc.).

It is also established whether the interrogated person can recognize the corpse. Based on the information received, a decision is made on the advisability of presenting the discovered corpse for identification. In order to create appropriate conditions for identification and neutralize possible psychological obstacles, the corpse can be given a life-like appearance (the so-called «corpse toilet» is performed): removing dirt and blood from its face, opening its eyes, restoring its hairstyle to its normal appearance, etc. (performed by a forensic medical expert).

The corpse is presented for identification one (in the singular) in the morgue of the forensic medical examination body, undressed, covered with a cloth in compliance with ethical norms and in the

presence of a forensic medical expert and two witnesses. If a person recognizes the corpse, he must name the signs and indicate them on the corpse. If the corpse is not recognized, it is photographed according to the rules of signal photography, fingerprinting is carried out and put on the register of unidentified corpses.

It is the qualitative and proper approach of the pre-trial investigation bodies to the collection, verification and evaluation of the evidence base obtained in the process of the pre-trial investigation that maximally ensures the fulfillment of the tasks of criminal proceedings. Therefore, from this point of view, it can be argued that the quality of conducting investigative (search) actions in a specific criminal proceeding aimed at verifying evidence, including presentation for identification, is aimed at overall effectiveness and achieving the goal in criminal proceedings. It should be noted that during the presentation for identification, the person who identifies is forced to make mental conclusions about the similarity or difference of a person or thing that he observed earlier, in addition, these memories relate to moments that are quite traumatic for his psyche, this applies more to victims, but witnesses also do not escape the possibility of receiving extremely negative emotions while observing the fact of committing a criminal offense [8, p.81]

This investigative (detective) action requires significant time expenditure by the investigator, the person who will identify, and other persons. Its organization and conduct provide for the possibility and necessity of certain forms of cooperation between the investigator, the person who will identify, and the persons among whom the person will be presented for identification, as well as the voluntary expression of will of such persons to participate in the investigative action. The decision to present for identification occurs in conditions of tactical risk. Even in those conditions when the person who identifies describes the signs by which he can recognize a person, it is impossible to exclude situations when during the presentation he does not recognize the person who was presented for identification [9, p. 53]

Among the experience of other countries, the following features of presentation for identification should be highlighted: 1) if the corpse of a person is identified, whom the person who identifies saw alive, it is allowed to make up the deceased (Article 230 of the Criminal Procedure Code of the Republic of Kazakhstan, Article 117 of the Criminal Procedure Code of the Republic of Moldova); 2) when presenting an object for identification, it is allowed to clean it from dirt, rust or other layers, if this does not lead to its destruction as a means of evidence (Article 222 of the Criminal Procedure Code of the Republic of Armenia, Article 117 of the Criminal Procedure Code of the Republic of Moldova). It seems advisable, if possible, to borrow foreign experience in making up the deceased. Thus, identifying the deceased when he has a neat appearance, similar to the one the person had when he was alive, will significantly improve the course of the identification and the results, because in many cases, individuals are not psychologically ready to see a corpse with cadaveric stains, putrefactive processes, etc., which in turn complicates the conduct of such an investigative action [10, pp. 74-75]

5. Conclusions.

Presentation for identification is a rather complex investigative (search) action, the source of forensically significant information in which is a person - a person in whose memory an imaginary image of a certain object is stored, which is planned to be presented to him for identification. The completeness and reliability of the results of presentation for identification are ensured by a clear procedural order for conducting this investigative (search) action. It should also be taken into account that this investigative (search) action is almost always associated with tactical risk: the person who identifies may make a good faith mistake. Therefore, if the subject of the investigation has doubts about the successful outcome of the presentation for identification, it should be refrained from conducting it and use other opportunities to verify the factual data.

Identification of a corpse is carried out in order to establish the identity of the deceased. The investigator or prosecutor preliminarily questions the person who is identifying about the appearance of the deceased and the circumstances under which he saw this person. The presentation of the corpse for identification takes place in compliance with the requirements for the preliminary interrogation of the person who is identifying and with the involvement of the necessary specialists, for example, psychologists or forensic experts. In cases where the corpse has suffered significant

damage, difficulties may arise with identification, which requires the use of additional identification methods, such as DNA analysis.

The need to present the corpse for identification may arise in two typical situations: 1) directly at the place where the corpse was discovered; 2) in the premises where the corpse is stored (morgue, forensic medical examination office, etc.). But in both cases, the purpose of presenting the corpse for identification is the same: to establish the identity of the corpse. The presentation of the corpse for identification should be carried out in the clothes that are on it. The presentation of a corpse for identification must be preceded by the so-called "toilet" of the corpse, which consists in carrying out such manipulations with the appearance of the corpse that bring it as close as possible to its appearance during life: removing dirt, blood, fixing the eyes, masking injuries, etc.

Usually, the person conducting the identification is given the opportunity to examine the face of the corpse, and only if necessary (when the person notes the presence of special signs that would confirm its identification) - part of the body, or the whole body.

In conditions of martial law, when bodies can be severely damaged as a result of shelling, explosions or other military actions, identification can be complicated, therefore it is important to use modern methods, such as identification using DNA from bones and teeth, as well as the involvement of experts in the field of criminalistics and forensic medicine.

A protocol must be drawn up both in the case of a positive and negative result of the identification. The protocol is signed by: the person who conducted the procedural action, as well as the persons who were present or participated in the conduct of this investigative (search) action.

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SOCIO-ETHICAL DIMENSIONS OF ANCIENT RATIONALISM

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DOI: https://doi.org/10.61345/1339-7915.2025.4.20

Annotation. The article explores current issues in philosophical and anthropological inquiry within ancient philosophy, focusing on the principles and priorities of the anthropological dimensions of classical and post-classical ancient spiritual culture.

The study outlines dialogical forms of philosophical, socio-ethical, and anthropological exploration, which display an extraordinary plurality of perspectives and ideas. This pluralism is evident both in the diversity of normative models of conduct and in attempts to define the ideal structure of the human being. The article emphasixes that during the era of the first ethical reflections, philosophy in antiquity had a profoundly pragmatic character. This pragmatism encompassed both moral rationality and the theoretical aspects of the philosophy of values. For the individual in antiquity, it was necessary to consolidate theoretical and empirical life-goal orientations, combining spiritual-ethical values with the pragmatism of transient social existence.

The analysis shows that, from an anthropological perspective, during the period of ancient classical philosophy, the observational approach to understanding the world gave way to an active, even transformative, approach to life, reflecting the productive, dynamic, and creative nature of human existence. The individual's active status is defined through practical engagement with the world, nature, and the self. It is noted that it was the Classical and Late Classical periods of antiquity (5th–4th centuries BC) that the philosophy of the human being developed most significantly, directing philosophical thought toward personal world-creation, the harmony of the inner spiritual world, and intellectual, rational cognition. The pragmatism of the early Greek philosophers, initially reinforced by their psychologically significant authoritarianism, gradually gave way to philosophical-gnoseological reflections on the problems of inner dialectics and harmony, socio-ethical life of a person of Ancient Rationalism.

Key words: antiquity, rationalism, social ethics, social culture, practical ethics, anthropic dimension, creativity, civil society, virtue.

1. Introduction.

The phenomenon of ancient culture, spanning from the 7th-6th centuries BC to the 2nd-3rd centuries AD, encompasses the emergence and conceptual formation of philosophy, literature, art, and science, along with their practical and socio-ethical dimensions. Since antiquity, this cultural heritage has attracted sustained scholarly attention within historical-philosophical, historical-cultural, and socio-philosophical research. The socio-cultural world of Greco-Roman civilization, shaped by principles of statehood and morality, laid the groundwork for the development of theories of personal perfection. These theories emphasized the cultivation of spiritual and moral values and the practical realization of transformative ideas and concepts directed toward the improvement and advancement of society.

Nevertheless, numerous facts, phenomena, and conceptual elements still lack a clear operational or logically consistent definition. One particularly complex issue concerns the social orientation of anthropological inquiry, which encompasses the earliest philosophical ideas about the human being; their evolution from mythological and cosmogonic explanations to the philosophical and ethical traditions of late Stoicism; the revival of these fundamental principles during the Renaissance; and their enduring influence on contemporary social and personal culture.

2. Analysis of the main studies of the topic.

The socio-ethical, cultural, and philosophical issues of antiquity have, at various times, been thoroughly examined in the foundational works of both former Soviet and international scholars, including V. Asmus, G. Alexandrov, O. Bogomolov, M. Dymnik, A. Losev, O. Makovelskii, A. Chanyshev, W. Wundt, W. Windelband, J.-P. Vernant, R. Wipper, and S. Lur'ye.

Ukrainian historians of philosophy and scholars of different periods, notably A. Pashuk, M. Kashuba, V. Horsky, I. Bychko, I. Zakhara, and V. Lytvynov, have addressed important questions concerning the formation and development of civic culture, social ethics, and the principles of virtuous living for individuals and citizens of the ancient polis.

The works of L. Batkin, A. Dzivelegov, L. Pinsky, B. Purishev, S. Skazkin, G. Baron, G. Gentile, L. Klages, B. Croce, N. Robb, and V. Tatarkevych are particularly valuable for the study of the philosophical legacy of ancient humanism. These studies illuminate the ideals of harmonious and holistic personal development, as well as how the principles of ancient rationalism were transformed and transmitted into the social and cultural discourse of the European Renaissance.

3. The purpose of this scientific article

3. The purpose of this scientific article is to investigate, on the basis of historical, philosophical, literary, and cultural sources, the prerequisites for the emergence and development of the socio-ethical aspects of the philosophy of life of ancient people. In addition, the research aims to provide a brief logical and philosophical analysis of the forms and phenomena of pragmatic ethics within ancient rationalism.

4. The main material and substantiation of the research results.

The dissemination of the cosmogonical tradition in early Greek philosophy, together with the dynamic transformations in the Greek polis during the 6th–5th centuries BC, profoundly influenced the development of philosophical thought, emphasizing the emergence of free rationalism alongside ontological, anthropological, and socio-ethical traditions.

Concrete conflicts in socio-moral development – especially the tension between the interests of the collective (tribe, people, or social class) and the well-being of the individual – manifested in the expressive and dramatic character of Greek culture and became the focus of the earliest rational philosophical and ethical reflections.

As E. Frolov observes, "The microcosm of the Greek poleis – full of life, motion, and change – functioned as a unique living sociological laboratory, where society continuously experimented, testing diverse political ideas and forms. The ongoing clash between the old traditions, which had barely gained strength, and innovations stimulated thought, enriched it with observations, and naturally led to theoretical conclusions." [1;140].

At the same time, a defining feature of philosophical culture in antiquity – particularly in its efforts to rationalize the ethical and moral dimensions of human existence – was the very concept of the human being. A key distinction between ancient conceptions of humanity and earlier views found in Babylon, Egypt, India, and China during the period of proto-philosophy (15th–13th centuries BC) lay in the attempt to represent and justify human form, creativity, and sociality on an exclusively rational and intellectual basis. Throughout the history of ancient philosophy and culture, the ideals and norms of human thought preserved both individual ethical principles and moral frameworks for social organization. At their core, philosophical-ethical and anthropological inquiries exhibited remarkable pluralism of thought and perspective, manifesting in diverse normative models of behavior and in ongoing attempts to define the ideal structure of the human being.

The moral reflections found in the early Greek mythology and literature, dating back to the 8th-7th centuries BC, were limited in their philosophical reasoning and reflected generalized, standardized attempts to explore moral consciousness. Specifically, they represented only the initial manifestations of axiological interpretations of humanity in its abstract and distant aspects. The moral relationships

described by Homer preserved particular individuals in narrative form in the absence of a fully developed moral philosophy, and the concept of human creativity lacked a clear categorical definition. Intellectual progress was not regarded as an inherent feature of practical life; individuals were largely identified with the naturalness of existence itself or with their personal social concerns. Although Greek writers were beginning to move beyond the religious-mythological complex, their consciousness was still unable to uncover the deep origins of human thought or analytically reveal its nature.

However, the spatial and temporal transformations of early ancient culture gradually "materialized" human life in its subjective, personal, and social dimensions. This development was closely linked to the rise of literacy and the spread of knowledge, previously accessible only to scribes, through the establishment of writing as a medium of shared culture. The formerly secret, sacred aura surrounding the "perfectly wise", once confined to the closed circles of sects and priests, became increasingly accessible. Wise counsel, gnomic sayings, aphorisms, and maxims were highly esteemed and celebrated by Homer, Hesiod, and Theognis. In particular, Theognis in his Elegies articulated the moral principles of aristocratic society in gnomic form; by absolutizing these values, he criticized the socio-democratic transformations that threatened to alter the moral and spiritual code of his time.

Presented for broad public reflection – *es to meson*, the wisdom of great thinkers such as Solon, Cleobulus, and Pittacus – expressed in maxims, aphorisms, natural-scientific insights, and practical actions – gained both depth and substance and became increasingly open to practical and rational application in everyday life. Moreover, in the 6th–5th centuries BC, prominent figures of the ancient polis – Thales, Solon, Chilon, Bias, Periander, Socrates, and others – stood out precisely for their life philosophies, speeches, and aphorisms, which primarily concerned the moral, ethical, and legal foundations of human existence. Their socially recognized life-creativity lay in integrating practical experience with efforts to establish rational principles for human well-being.

In a parallel and comparative perspective, it is worth noting that, unlike the philosophical quests of the Ancient East, the ideal of human self-development in Greek classical thought of the 5th–4th centuries BC depicted a real, consciously perceived individual – one who creates tangible products as the outcome of his or her life-creative activity. These "products" possessed several characteristics essential for understanding the concept. First, in terms of content, they could be theoretical and cognitive (as in Thales, Chilon, Solon), which, during the formative period of scientific knowledge, carried unquestionable authority for the intellectual and public consciousness of ancient Greeks; or they could be practical and transformative (as in Periander, Peisistratus). Yet both dimensions of sophia – the wisdom of perfection – were united by a common foundation in real knowledge and rational thinking, both in the sphere of social life and within the very essence of the human being as a rational, cosmic entity. However, for the Greek polis, the most significant traits of the perfectly wise individual were primarily socio-anthropomorphic – or, more precisely, socio-ethical: an individual's moral and ethical distinctiveness, and moral practice that found concrete expression in civic and social life.

Second, the object of dissemination and embodiment of knowledge and experience – that is, its practical outcome – was of great significance. A comparative analysis of the doxography of Diogenes Laërtius and the later works of Plutarch reveals the predominant role of legal and socio-moral aspects in the transmission of knowledge.

For instance, at Plutarch's Dinner of the Seven Wise Men, the sages engage in discussions on issues vital to state-building, the dialectic between the individual and society, and the principles of good governance. Thales, for example, maintained that "the best state is one in which there are neither poor citizens nor excessively rich ones," while Chilon asserted that "the best state is that in which people heed the laws more than the orators" [2, pp. 373–374].

At first glance, this emphasis may appear to be purely practical, yet it also carries a rational-gnoseological or theoretical-cognitive dimension. The same Seven Sages were among the first to articulate the conviction that morality is synonymous with wisdom, and that right and reasonable conduct arises from a true understanding of the world.

It is for this reason that the rationalism of ancient Greek wisdom came to be known precisely as "rationalism." On the one hand, it was distanced from mystical communities and religious-ideological dogmas (except the Pythagorean order); on the other, it rested upon theoretical and natural-scientific

foundations, with the human being, alongside their spiritual and social boundaries and societal functions, constituting an inseparable part of this framework. Most eminent figures of antiquity – Solon, Hippocrates, Seneca, Cicero, and others – were brilliant scholars, orators, politicians, and analysts of human nature. Yet their moral authority and social recognition stemmed not only from their philosophical attempts to explain human existence but also from their deep engagement with moral absolutes, their exploration of early humanistic questions, and their embodiment of a practical philosophy of freedom in everyday life.

One of the essential rational and anthropological features of philosophical reflection in ancient civilization was the grandeur of individual intellect, the capacity for personal world-creation, and a sense of individual distinctiveness – manifested not only in social recognition but also in a profound, practical engagement with the life of society. In Florida, Apuleius describes Thales of Miletus as "... undoubtedly the most outstanding among those famous Seven Sages (for he was the first to introduce geometry to the Greeks, a deep investigator of nature, and the most skilled observer of the stars), who with small lines revealed great things..." [3, p. 112]. For Thales (c. 624–546 BC), logical clarity, brilliant rhetoric, and philosophical depth, grounded in profound worldview principles, were characteristic traits. As one of his sayings goes:

"Many words do not yet testify to the presence of wise thought.

Seek one wisdom,

Choose one good –

Thus, you will silence the chatterers." [3, p. 103]

Three other historical figures – Solon, Pericles, and Peisistratus – who held a higher human status, were distinguished by their pragmatism and practically transformative activity. Through their legislative work, as each at different times was both a ruler and a public figure, they sought to mitigate civil discord arising from social conflicts and to develop normative principles that would help stabilize the organization of the polis. Solon (c. 640–560 BC) carried out reforms aimed at the radical transformation of the polis through the legal and political spheres. Peisistratus (c. 600–528 BC) implemented cultural, educational, and moral-legal reforms, including the codification of moral behavior and civic education. He also enhanced public spaces with inscribed tablets containing gnomic sayings, aphorisms, and maxims, designed to promote high moral culture and civic virtue. Pericles, whom Thucydides called "the first among the Athenians", was a talented and patriotic statesman, orator, and philosopher-logician who devoted his life to serving the people and advancing the prosperity of Athens. His practical and innovative political measures – such as expanding citizen participation in governance and introducing financial rewards for effective public service – embodied both rational foresight and social responsibility, earning him the lasting reputation of a wise statesman.

However, it was during the Classical and Late Classical periods of antiquity (5th–4th centuries BC) that the philosophy of the human being developed most significantly, directing philosophical thought toward personal world-creation, the harmony of the inner spiritual world, and intellectual, rational cognition. The pragmatism of the early Greek philosophers, initially reinforced by their psychologically significant authoritarianism, gradually gave way to philosophical-gnoseological reflections on the problems of inner dialectics and harmony.

Indeed, Heraclitus (c. 554–483 BC) openly proclaimed that a person who comprehends the cosmic laws of existence through their own reason is an internally unified, harmonious individual, whose defining trait is rational-inductive thinking. As he observed: "Learning many things does not teach the mind; otherwise, it would have taught Hesiod, Pythagoras, and Xenophanes with Hecataeus" [4, p. 74]. Nevertheless, Heraclitus's ethical views cannot be regarded as a fully developed moral rationalism; rather, they represent a theoretically idealized expression of the original material grounding of the idea of intellectual awakening in the ancient thinker.

The paradox lies in the fact that, by elevating intellect and reason to a universal principle, Heraclitus simultaneously rendered them practically inaccessible to ordinary people, since the only truly wise entity is "…the Reason that governs all through all" [4, p. 75]. By asserting the manifestation of reason in true things and actions, in accordance with nature, Heraclitus revealed truth through concrete-rational knowledge and the apprehension of the surrounding world. From this perspective arises a

distinctive socio-philosophical interpretation of intellectual activity. Superficial knowledge, which society relies upon according to Heraclitus, becomes a source of disorder and conflict. Moreover, human vices – bodily pleasures, greed, flattery – prevent individuals from acting in accordance with the Logos and from achieving the intended state of wisdom and harmony.

Similar positions were characteristic of the Eleatics, a school founded by Xenophanes around 540 BC in the city of Elea. While they emphasized the necessity of truth in knowledge, the Eleatics did not develop a fully integrated methodology for apprehending the rational path or attaining true knowledge, and they still described intellectual growth as something largely beyond ordinary human consciousness.

In particular, according to Sextus Empiricus, Xenophanes (c. 570–480 BC) maintained that there has never been, and never will be, a person who truly knows the truth about the gods and the cosmos. Even if someone were to express perfect knowledge, they would not themselves be aware of it, for merely holding an opinion is the fate of all [5, p. 260].

A major contribution to the public recognition of the rights of human reason, the right to freedom of thought and life, as well as their logical-philosophical justification, and transformation into a moral-practical framework, belongs to Socrates (470–399 BC) and, subsequently, to the Cynics, Cyrenaics, and Plato. During the era of Socratic maieutics, the idea of human freedom of thought, the self-expression of intellectual individuality, and the right to personal convictions emerged as a distinctive symbol of ancient rationalism.

Attention was focused on the value-laden content of life, addressing questions of goodness, virtue, happiness, utility, and logical measure. According to Xenophon (Socratic Works), Socrates saw little distinction between human reason and morality. He recognized a person as both rational and morally upright if they, understanding what is beautiful and good, act according to it, and, conversely, if they know what is morally vile, avoid it [6, p. 119].

The principles and dimensions of human life underwent complex transformations and parametric interpretations. Particularly original and thought-provoking were the concepts of the Skeptics, Eclectics, and Stoics (up to the early 2nd century AD). Nevertheless, the culture of Classical antiquity laid the fundamental foundations of the philosophy of human life. Celebrated by literary figures and tragedians (Sophocles, Aeschylus, Euripides), historians (Herodotus, Thucydides), sculptors (Polykleitos, Myron), and scientists (Archimedes, Democritus, Hippocrates), the human being was elevated into the realm of conscious world-orientation, portraying and emphasizing the ideal of virtue and morality. One can conquer with the renowned classical scholar B. Snell, who argued that the ideal of intellectual and life-oriented morality exerted a stronger influence on historical processes than either the ideal of piety, personified in the saint, or the ideal of courage, personified in the hero [7, p. 27].

The ancient philosophy of the human being, which developed through moral-behavioral concepts, also advanced a system of social motivation (determinants) for the idea of rational and purposeful human development. This system provided a general framework for addressing the content, style, and form of an individual's life path, the nature of abstract and concrete good and evil, the dialectic of morality and law, creativity, freedom, and related questions. Within the broader scheme of philosophical-ethical reflection on the human being, two main moral-philosophical directions can be distinguished. The first is rational-practical ethics, incorporating elements of sensualism, primarily oriented toward the social dimension and emphasizing the welfare of the whole (Socrates, Aristippus, Aristotle, Epicurus). The second is subjective-spiritual morality, focusing on the cultivation of individual virtues and oriented toward the deeper foundations of the person (Pythagoras, Antisthenes, Zeno of Citium).

However, both within the system of value orientations and in the realm of morality, the priority questions reflected the characteristic pragmatism of antiquity: What is the moral function of the highest human well-being? What does the idea of absolute human development entail? What ethical and legal limits regulate the process of self-perfection? The meaning-forming basis of these questions was shaped within the ethical-philosophical pragmatics of the ancient worldview. Firstly, ethical-philosophical theories provided the theoretical foundation for the flourishing of ancient culture. Secondly, in the context of an almost complete rejection of interpreting the highest forms of intellectual and spiritual human development through ascetic withdrawal and solitude (except the

Cynics and, partly, the Pythagoreans), it was through social ethics – specifically culture, education, sociality, practical activity, and morality – that the personal-subjective and social "rationality" and "pragmatism" of humans could be realized. A particularly illustrative example of this integration is found in Plato's philosophy, where questions of statecraft, morality, and law are explored alongside the highest spiritual and absolute values. Plato argued, in particular, that the human race would not be free from poverty and suffering until philosophers rule in the states, or until those who now rule genuinely strive for philosophy (wisdom). Finally, the ideas of the highest good constituted the immanent foundation and axiological purpose of the entire life-practical, rational Greek-Roman philosophical tradition.

During the era of the first ethical reflections, philosophy in antiquity had a profoundly pragmatic character. This pragmatism encompassed both moral rationality and the theoretical aspects of the philosophy of values. For instance, the concepts of "perfection" and "well-being" in ancient philosophy were never set in opposition; rather, their ontological and ethical dimensions emphasized the dialectic of their functionality.

At the end of the 4th and the beginning of the 3rd centuries BC, on the eve of the introduction into Greco-Roman culture of the philosophical model of the "Stoic sage" and its corresponding ethical-normative doctrines, amid political and state instability, the life motto of a significant segment of society became the Epicurean principle lathe biasas – "live unnoticed".

According to Epicurus (342–270 BC), political life is fundamentally unnatural and, therefore, leads to endless turmoil, creating obstacles to attaining aponia (the absence of pain and suffering) and ataraxia (tranquility and unshakable calm), and consequently, happiness. Political engagement does not enrich a person but rather disorients them; hence, the Epicurean ideally seeks to live in seclusion and withdraw from the crowd. Moral life is guided by practical wisdom, which leads to aponia and ataraxia, that is, to freedom from bodily suffering and steadiness of the soul. Happiness can be achieved practically only through knowledge and self-improvement, while refraining from active political involvement. The ideas of a rationally structured life, the attainment of the good, and, correspondingly, social autonomy – a "social deviation from the line of necessity" – through ethical pragmatism, together with the philosophy of human liberation from the fear of death and fate, are most clearly synthesized at the beginning of Hellenistic philosophy in the thought of Epicurus. As Lucretius remarks:

"He was a god, great Memmius –

Oh yes, a god, the first of all of us

To find the reasoned plan of life, we call

Wisdom and out of such tempestuous squall

And darkness settled in light so clear.

Compare discoveries of yesteryear" [8; p.122]

The model of human life in Epicurus' philosophy is modest and simple, consisting of a deviation from the line of necessity and a withdrawal from discomfort and dissatisfaction. At the same time, a person's vocation is to live happily and joyfully, which to some extent necessitates the creation of conditions for a happy life. The elimination of suffering – such as hunger, thirst, and pain – already embodies the principle of pleasure, which, according to Epicurus, is revealed in the purposive impulse of development.

Self-knowledge, introspection, self-improvement, and mastery of a true system of philosophical understanding of the world provide the impulse for the logic of beneficial action for the Epicurean individual. Its incomparable advantage lies in the joy derived from the continuous process of learning. Everyday and material needs, due to the absence of corresponding value-oriented guidance, direct the philosophical image of the person toward the internal consolidation of the subjective relation to the socio-cultural world. The ideal – symbolizing the ideal subject in the characteristics and validations of the Epicureans – is no longer identified with a literary image or personified in a hero. Rather, it incorporates an essential substantive position: the objective dependence of the ideal image, i.e., its adherence and conformity to the criteria of the real epoch, time, and events.

According to W. Windelband: "…its egoistic immersion in personal life made Epicureanism a practical philosophy within the universal Roman monarchy; for the strongest foundation of despotism was that passion for pleasures, through which everyone sought to preserve as much personal enjoyment as possible amid the general confusion, in the quiet of their private life" [9, p.271].

The pragmatic ethics of the Epicureans, to some extent, served as a stimulus for the subsequent philosophy of Stoicism. Philosophical-ethical and anthropological categories and concepts such as virtue, the good, and happiness (in all possible combinations) were interpreted and applied as the fundamental basis for the idea of the primacy of human life. In particular, in Seneca L.A. (c. 4 BC–65 AD), On the Happy Life: "Live in accordance with the nature of things. Do not deviate from it; to be guided by its law, to take example from it – that is wisdom. Accordingly, life is happy if it is in harmony with its nature. Such a life is possible only if, first, a person thinks soberly and consistently; second, if their spirit is courageous and energetic, noble, resilient, and prepared for various circumstances; if they do not succumb to anxious suspicion, nor are overly concerned with the satisfaction of physical needs… Instead of pleasures, instead of petty, fleeting, and not only repulsive but also harmful gratifications, comes a strong, unclouded, and constant joy, peace, and harmony of the spirit, greatness united with humility" [10, I, pp.510–511].

For the individual in antiquity, it was necessary to consolidate theoretical and empirical life-goal orientations, combining spiritual-ethical values with the pragmatism of transient social existence. Philosophical responses to the socio-psychological demands of the emerging Greco-Roman world were, to a large extent, expressed in the Stoic philosophical-moral theories of life success and rational existence.

In an idealized and generalized framework, the Stoic sage consistently maintains a moderate and joyful state of mind, demonstrating foresight and an unwavering volitional drive to act. Yet, in Stoic ethics, the social, political, and institutional foundations of an individual's worldview are not entirely dismissed. Consequently, the philosophy of human life as a pursuit of inner peace and joy rests both on the recognition of the absolute cosmos (logos, nature) and on adherence to the moral practices of a virtuous citizen. Theoretically, a person who has achieved a morally virtuous disposition – the Stoic ideal – performs all actions correctly, even those that might appear illogical or unnatural from a conventional perspective, because they are guided by full knowledge, sound ethical motivation, and inner conviction. The defining element of the human soul is reason, as well as its participation in the higher, divine soul. To live in pursuit of the absolute is to strive for true good, attainable through the transformation and cultivation of the mind.

5. Conclusions.

Overall, the philosophy of man in Greco-Roman culture, from the 5th–4th centuries BC to the 1st–3rd centuries AD, was dynamic and evolving. From Socratic moral intellectualism and the Socratic schools to eclecticism, Epicureanism, and late Stoicism, the principles and parameters defining the multidimensionality of human life gradually acquired increasingly practical and pragmatic features, emphasizing ideals of goodness, happiness, virtue, and moral excellence.

The socio-cultural world of antiquity, through its principles of statehood and morality, provided the impetus for theories of ideal human development, emphasizing mastery of spiritual and moral goods and the practical realization of a transformative philosophy of life.

Summarizing the socio-philosophical analysis of anthropic principles in ancient spiritual culture, it is clear that human life, when detached from its social foundation and functioning social system, and considered solely through subjective epistemology, was already regarded in the ethical-philosophical systems of the classical, late-classical, and Greco-Roman periods as artificial and unnatural. The observational mode of understanding the world gradually gave way to an active, even transformative life, reflecting the fertile, lively, and dynamic character of the human being. A person's active status is determined by their engagement with the world, nature, and their own "self." The questions of creating good, self-improvement, and individual virtue increasingly became subject to the criteria of social evaluation.

At the same time, the enduring concerns regarding personal happiness, the good, and freedom – generalized through the concepts of virtue, perfection, and social creativity – constitute a distinctive

legacy of ancient culture. Efforts to unite spiritual principles with material structures, to inject the materiality of social existence into the transcendent realm of absolute values, highlighted the necessity of further developing the foundational principles of the philosophy of human life.

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CONTROL AND SUPERVISION OVER THE PROVISION OF FUNERAL SERVICES BY PUBLIC ADMINISTRATION BODIES

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DOI: https://doi.org/10.61345/1339-7915.2025.4.21

Annotation. The article examines the administrative and legal foundations of control and supervision over the provision of funeral services as instruments for ensuring dignified treatment of the deceased, protecting the rights of their relatives, and preventing abuses in the funeral services market. It is argued that, under conditions of armed aggression against Ukraine and a sharp increase in the number of fatalities, the issue of proper organisation of burials, identification of bodies, maintenance of registers of the deceased, and compliance with sanitary, ethical, and legal standards becomes particularly urgent and goes beyond the scope of ordinary municipal services. The article analyses scholarly approaches and legislative definitions of the concepts of "control" and "supervision", identifies their common features (ensuring legality, preventive nature, continuity, and the exercise of authoritative powers) and differences in terms of purpose, methods, and spheres of application. It is demonstrated that the absence of a clear distinction between these instruments in legislation generates conflicts and contributes to the formalisation of inspections and the tolerance of corrupt practices, including unlawful solicitation of services, the sale of information about a person's death, monopolisation of local markets, shadow activities of service providers, and improper maintenance of burial sites. The necessity of introducing a coherent, transparent, and accountable model of public control and supervision is substantiated, based on international humanitarian law standards, unified procedures for recording and identifying the deceased, strengthened requirements for market participants, involvement of local self-government bodies and the public, as well as effective sanctions for violations. It is concluded that properly structured mechanisms of control and supervision in the field of funeral services constitute an essential element of the state's humanitarian policy and a guarantee of adherence to the principles of dignity, legality, and justice.

Key words: public administration, funeral affairs, public management, local self-government bodies, state control, funeral services, legal regulation, quality standards, ethical norms, public interests, regulatory framework, transparency, corruption risks, international experience.

1. Introduction.

Funeral services encompass both the organisation of burials and the moral and cultural dimensions of attitudes toward death. Proper organisation of the mechanism for their provision is not only a matter of moral ethics but also a state obligation, ensured, inter alia, through the planning and implementation of supervisory and control measures by public administration bodies. This issue acquires particular significance during periods of armed conflict.

However, from the very inception of the funeral services sector in Ukraine and to this day, a significant number of problems can be observed in this area, requiring enhanced control over the relevant legal relations in order to prevent violations, including, in particular: – the rights of consumers of funeral services are violated due to imperfect legal regulation of activities in this field, in particular the absence of clear procedures, standards, and adequate requirements for the professional qualifications of personnel; – a widespread practice is the sale of information about a person's death for the purpose of intercepting clients, which forms part of corrupt schemes in the interaction between consumers and providers, with the financial consequences of such schemes being borne by the service requester; – chronic underfunding of the construction and maintenance of cemeteries,

especially in large cities, creates favourable conditions for corruption and illegal income generation by officials; – local funeral service markets operate unevenly, and the sector as a whole lacks a unified, transparent, and effective management system; – a significant part of the funeral services market operates illegally, provoking intense competition both among private companies and between municipal and private entities; – and others.

In addition, the ongoing hostilities in Ukraine have led to a large-scale humanitarian catastrophe, including a sharp increase in the number of fatalities. As a result, there are numerous instances of chaotically organised burials, lack of proper record-keeping and documentation, which subsequently creates serious legal and moral consequences.

2. Analysis of scientific publications.

Certain issues of the legal regulation of the burial of persons killed as a result of hostilities in Ukraine have been examined in the works of M. Mykhailichenko, O. Aleksandrenko and V. Veselovska, N. Kalkutina, Kh. Mazurenko and Ya. Onyshchuk, A. Naumov and others.

3. The aim of the work.

The purpose of this article is to conduct a comprehensive study of the supervisory and oversight powers of public administration bodies in the field of funeral services, to clarify their legal nature and the correlation between the concepts of "control" and "supervision", to identify gaps, conflicts and risks of formalistic or corrupt application of existing mechanisms, to assess the compliance of national regulation with international humanitarian standards on the dignified treatment of the bodies of the deceased and those killed as a result of hostilities, and to formulate proposals for improving administrative and legal instruments ensuring transparency, competition, proper quality of funeral services, and effective protection of the rights and legitimate interests of the relatives of the deceased and other consumers.

4. Review and discussion.

Preventing, at least partially, the above-mentioned and numerous other problems or eliminating them is possible, among other things, through control and supervision by public administration bodies, which must necessarily take into account the requirements of international humanitarian law, as well as national standards and procedures providing for the maintenance of registers of the deceased, the creation of DNA databases, and ensuring the identification and dignified burial of persons killed in hostilities or as a result of war crimes, etc.

A large number of definitions of the concepts of "control" and "supervision" can be found in academic sources. V. K. Kolpakov defines control as one of the most widespread and effective means of ensuring legality. He attributes to its features subordination to law, systematic character, timeliness, comprehensiveness, depth, objectivity, and effectiveness. [1, p. 662]. However, such an approach is broad and does not provide a sufficiently clear understanding of its substantive content.

Other scholars propose to understand control as the activity of authorised bodies or officials aimed at verifying the compliance of the activities of entities with established norms, rules and standards in order to ensure proper performance of tasks and functions. It involves regular inspections, monitoring and evaluation of activities and is characterised by: (1) a verification nature (checking compliance with established norms and rules); (2) an enforcement function (ensuring proper performance of tasks and functions); (3) assessment of effectiveness (including evaluation of efficiency and compliance with standards); (4) the application of measures of influence (the power to apply administrative or disciplinary measures in case of violations). [2]. This approach is considered consistent with the nature of control. However, it would be appropriate in the definition to emphasise not only verification of compliance, but also the application of response measures to identified non-compliance or risks of their occurrence.

Experts in public administration suggest understanding control as a process of ensuring an organisation's achievement of its goals, consisting of establishing criteria, determining actual results, and introducing corrective measures if results significantly deviate from the criteria. [3, pp. 291–293; 4, pp. 52–53]. This definition is regarded as imperfect, since it is purely applied, lacks a legal dimension, reduces control to internal goal achievement and correction within a particular organisation, and therefore does not reflect the complex public-law understanding of control.

In encyclopaedic literature, control is defined as identifying the conformity of activities and their results to established benchmarks; providing management actors with information about development processes of an organisation (economic complex) or other objects of administration (based on organised observations, measurements, standards, etc.), which creates grounds for intervening in such processes in order to adjust certain areas of activity. [5]. This definition is also not free from shortcomings, as it focuses on detecting compliance and informing management actors, which rather corresponds to monitoring. Control in public administration is not only the collection and analysis of information, but also active intervention to prevent violations, eliminate deviations, and apply liability measures – elements that are omitted in this definition.

Numerous sectoral definitions of control are also enshrined in legal acts. Their content is noteworthy as it reveals key aspects of the category under study. In particular, Ukrainian and international legislation includes, inter alia, the following definitions of control: – a set of measures carried out to verify and evaluate the implementation of assigned tasks (management decisions) [6]. This focuses only on verification and evaluation – any measure taken to provide reasonable assurance as to the effectiveness, efficiency and economy of operations, reliability of reporting, protection of assets and information, prevention, detection, correction and follow-up of fraud and irregularities, as well as proper risk management regarding the legality and regularity of underlying transactions, taking into account the multiannual nature of programmes and related payments. Control may include various checks, as well as the implementation of policies and procedures to achieve these objectives. [7]. The value of this definition lies in the emphasis on risk management and systematic follow-up; – a general management function consisting in observing processes in management and subordinate systems, comparing controlled parameters with a given programme, detecting deviations, their place, time, causes and nature. [8]. Its advantage is the focus on comparison and identification of deviations and their characteristics; – monitoring and supervision. [9]. This is debatable, as it defines control through supervision; the problem of distinguishing the two categories is discussed further below.

The Law of Ukraine "On the Basic Principles of State Supervision (Control) in the Sphere of Economic Activity" defines "state supervision (control)" as the activity of authorised bodies within their powers aimed at detecting and preventing violations of legislation by business entities and ensuring public interests, including appropriate quality of products, works and services and an acceptable level of risk to the population and the environment. [10]. A drawback of this definition is the failure to distinguish between state control and state supervision.

According to academic sources, the purpose of control is to block deviations of the activity of an administrative entity from the established management programme and, when anomalies are detected, to restore stability of the system using available regulatory instruments. [3, pp. 291–293; 4, pp. 52–53].

As for supervision, it is also widely analysed in the literature. R. S. Koz'iakov notes that, etymologically, "supervision" means observation for the purpose of verification. [11]. T.P. Minka defines supervision as a system of managerial actions and measures aimed at monitoring compliance with statutory norms, rules, requirements or conditions. Its purpose is to ensure legality, protect the rights and legitimate interests of citizens, and ensure that the activities of legal subjects conform to established standards and requirements. Supervision is characterised by: ensuring legality; a preventive nature (including measures to prevent violations); systematic implementation; and the power of authorised bodies to apply measures of influence (administrative sanctions, orders, etc.) in case of violations. [2].

Sectoral legal acts also contain definitions of supervision, for example as the process of collecting and recording data on the presence or absence of a regulated harmful organism in a defined area through surveys, monitoring or other procedures. [12]. Legislation also defines off-site supervision as a form of supervision by the National Bank over providers of financial and related services without visiting their premises. [13].

A valuable definition is that of "state supervision over the provision of financial and related services", understood as a system of control and active, coordinated actions of the regulator to obtain objective and reliable information about the activities and financial condition of supervised entities and to ensure their compliance with legislation governing the financial services market. [14]. Its drawback lies in the lack of emphasis on the specific means of securing compliance in response to detected violations, and again in defining supervision through control, which leads to their conflation. Some scholars indeed treat these concepts as synonymous, but most identify differences in their nature.

In this context, we support I. Pavlyk's view that neither at the doctrinal nor legislative level is there a clear distinction between "control" and "supervision" [15]. At the same time, we share A. V. Denysova's position that, despite their close interrelation, there are objective grounds for distinguishing them; such differentiation remains justified even when legislation employs both terms in defining the powers of particular bodies. [16].

It is also important to cite T. P. Minka, who notes that supervision and control as instruments for ensuring discipline and legality share common features: ensuring legality; the endowment of competent entities with powers to intervene; and a continuous, systematic character enabling timely detection and elimination of violations. [ii].

At the same time, the literature identifies the following differences between the concepts: – purpose: supervision is primarily preventive and aimed at averting violations, while control focuses on verifying compliance with established norms; – methods: supervision involves systematic observation and analysis, whereas control provides for regular inspections and monitoring; – scope: supervision is directed at ensuring general legality, while control is aimed at securing proper performance of specific tasks and functions.

5. Conclusions.

Taking the above into account, control over the provision of funeral services should be understood as a planned, professionally justified activity of public administration bodies that is systematic, supervisory, and preventive in nature, and is aimed at verifying the compliance of the activities of entities and objects on the funeral services market with the norms, rules, standards, and procedures established by law, as well as at timely detection of violations, assessment of performance, and application of appropriate measures of influence in order to eliminate identified shortcomings and prevent risks of violating the rights and legitimate interests of consumers of such services.

Supervision over the provision of funeral services, in turn, should be considered as organisational, legal, managerial, and preventive measures carried out by public administration bodies for the purpose of systematic monitoring of compliance by funeral service market actors with legislative requirements, standards, rules, and regulations in the course of their activities, timely detection of violations, ensuring the protection of the rights and legitimate interests of consumers, and applying appropriate measures of influence to prevent potential risks in this sphere.

As shown above, control and supervision over the provision of funeral services are not only administrative procedures, but also important instruments for implementing the humanitarian function of the state. Public administration bodies must bear responsibility for establishing an effective system of supervision and control that is independent, professional, and transparent.

At the same time, the lack of proper control and supervision over the provision of funeral services may lead to abuses by service providers, violations of the rights of the deceased's relatives, an increase in corrupt practices, as well as inadequate sanitary conditions in cemeteries. Particularly dangerous is the trend toward monopolisation of the funeral services market and a purely formal approach by public authorities to the performance of their duties.

The effectiveness of such control and supervision depends not only on the existence of a regulatory framework, but also on the transparency, professionalism, and independence of the supervisory bodies themselves. In many cases, there is an absence of political will to properly intervene in the funeral services market, which creates favourable conditions for corruption and legal nihilism.

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INTERNATIONAL EXPERIENCE OF WAR VETERANS' REINTEGRATION

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DOI: https://doi.org/10.61345/1339-7915.2025.4.22

Annotation. The article examines the international experience of war veterans' reintegration as a comprehensive public policy framework that combines social guarantees, medical and psychosocial rehabilitation, education, employment, support for entrepreneurship, and family-oriented programmes. It is emphasized that leading states build specialized institutional models: from extensive systems of healthcare, education, and benefits in the United States to integrated schemes of professional readaptation and "civilian bridges" in EU countries, Canada, Israel, and France, where key elements include personalized support, interagency coordination, and the long-term responsibility of the state for wounded veterans and the families of the fallen. The article underlines that effective models combine universal social programmes with targeted services for veterans with disabilities, post-traumatic disorders, and complex family and economic circumstances, and are based on the principles of a "single window" approach, case management, public–private partnership, and the active involvement of veterans' organizations. Special attention is devoted to approaches that recognize military experience as a resource for leadership, public service, entrepreneurship, and civic engagement, thereby counteracting the marginalisation of veterans. It is demonstrated that for Ukraine, it is particularly relevant to adopt the systemic elements of these models: clear legal definition of veteran status, a continuous "service – demobilisation – reintegration" pathway, integrated e-services, family-centred programmes, and independent monitoring of service quality, while at the same time being critically aware of the risks of fragmentation, bureaucratisation, and a merely formal benefits-based approach that fails to ensure genuine socio-economic adaptation.

Key words: reintegration, public administration, post-conflict development, state policy, social stability, institutional reforms, strategic planning, national reconciliation, infrastructure restoration, sustainable development.

1. Introduction.

The study of international experience in the reintegration of war veterans is critically important in the current context, as Ukraine faces unprecedented challenges related to the return of a large number of military personnel to civilian life. Veterans' reintegration is a multi-level process that includes medical and psychological rehabilitation, social adaptation, professional retraining, economic support, and legal protection. Examining best international practices makes it possible to avoid systemic mistakes and to adapt effective mechanisms to national realities.

For the effective reintegration of Ukrainian veterans, it is necessary to adopt leading global approaches while taking into account national specificities and challenges. Priority measures include: the development of a comprehensive state reintegration programme based on international experience; the expansion of psychological rehabilitation centres and support programmes; the introduction of digital services for veterans to simplify access to social benefits; the development of professional retraining and entrepreneurship support schemes; and the strengthening of legal safeguards for veterans and their families.

The study and implementation of international experience in the reintegration of war veterans is crucial for Ukraine, especially under present circumstances. A comprehensive approach that combines medical, psychological, economic, and social support will help establish an effective system that ensures decent living conditions for veterans and facilitates their successful adaptation to civilian life. Ukraine has a unique opportunity to make use of global best practices, adapt them to its own context, and build a progressive veteran policy that will become an integral element of the country's sustainable development.

2. Analysis of scientific publications.

Certain aspects of this topic have been examined by Ye. Hordiienko, I. Bilokinna, S. Shvydiuk, I. Zhurba, O. Yakushev, L. Ternova, N. Samara, Yu. Prysiazhnenko, P. Bohutskyi, A. Borovyk, V. Halunko and others.

3. The aim of the work.

The purpose of this article is to conduct a comprehensive analysis of international models of war veterans' reintegration, identifying effective institutional, legal, medical, psychosocial, educational, and economic mechanisms applied in leading countries, and to assess their adaptability to the Ukrainian context. The study aims to systematize best practices of state and non-state support for veterans and their families, including case management, "one-stop shop" services, vocational retraining, mental health programmes, entrepreneurship support, and long-term social protection, in order to develop evidence-based recommendations for shaping an integrated, human-centred, and sustainable national reintegration policy for Ukrainian veterans.

4. Review and discussion.

To effectively use international experience in the reintegration of war veterans, Ukraine should carefully select countries that have successful practices in this area. The choice should be based on a number of key criteria that will allow adapting the best approaches to Ukrainian realities: countries that have experienced protracted wars (USA, Israel, Great Britain, France); countries that have had experience of military conflicts on their territory (countries of the former Yugoslavia); states that actively participate in peacekeeping operations and have a developed system of adaptation of the military after missions (Canada, Germany, Australia). The first country whose experience we would like to study is the United States of America. The USA uses a unique, exclusive approach to the implementation of veteran policy, separating veteran support programs from general social initiatives for the population. All services, from medical care to retirement benefits, are coordinated by the US Department of Veterans Affairs, which performs four key functions:

first, the Veterans Health Administration provides comprehensive health services through an extensive network of more than 1,700 medical institutions;

second, the Veterans Benefits Administration provides a wide range of social guarantees, including educational programs, housing loans and life insurance;

third, the National Cemeteries Administration is responsible for maintaining more than 150 national cemeteries and memorial complexes, as well as for developing digital platforms to honor the memory of veterans;

fourth, the mission of the Department is aimed at improving the overall preparedness of the state for emergencies, where veterans are involved in crisis management, health care and ensuring national security at all levels - from local to federal.

In addition to the national federal level, there are Veterans Affairs Offices in all states in the United States. The range of services provided by each varies considerably by state, but they generally offer support and advice to veterans on benefits and assistance in accessing health care, social security, and through relationships with public and private sector providers. Examples include offices in Maine and Oklahoma.

All veterans have access to subsidized health care. However, the level of access and benefits depends on the assessment of criteria related to income, combat experience and its duration, and service-related injuries or disabilities. Veterans who apply for health care will receive one of 8 priority groups based on the assessment of these factors. Pensions are paid to veterans who meet the criteria listed above and whose income falls within certain limits. Other service-related criteria also apply, including: (a) active duty before September 8, 1980, and at least 90 months of service and at least 1 day of wartime service; or (b) active duty as a military member after September 7, 1980, and at least

24 months of service or the full period of service for which he was drafted or contracted (with some exceptions) and at least 1 day of wartime service.

The Department of Veterans Affairs provides physical and mental health care to veterans through an extensive network of over 1,700 health care facilities. These include Department of Veterans Affairs medical centers, community-based outpatient clinics, telehealth clinics, and veterans centers. Some of these facilities are directly under the Department of Veterans Affairs, while others are accredited organizations that provide coordinated services with government funding. Services are coordinated through state Veterans Affairs offices and networks of veterans' representatives, whose functions and names may vary by region. In addition to traditional service methods, much of the support is available online or electronically through the Department of Veterans Affairs. There are also hotlines, including the Crisis Helpline and the Mentoring Program, that provide counseling and support to veterans' families. These programs are designed to protect veterans' rights and interests, assist them in the process of obtaining social benefits, and motivate them to contact the Department of Veterans Affairs to obtain the services they are entitled to.

Charitable and private sector support. Several Veterans Service Organizations have been established. They help veterans, their families, etc. navigate benefit programs and file disability claims, etc. These organizations – accessible, officially recognized by either the Department of Veterans Affairs, Congress, or neither – provide a range of targeted services, including employment, family, financial, health, legal, mental health, social networking, and social services.

It should also be noted that the USA is a good example of a country where the veteran employment system is well developed. One of the key initiatives is the Transition Assistance Program. According to the US Department of Labor, the unemployment rate among veterans in 2022 was approximately 3%. This was achieved thanks to the active cooperation of the state, the private sector and non-profit organizations that provide veterans with opportunities for professional growth, retraining and adaptation to new professions.

The study by A. O. Simakhova focuses on the positive experience of the United States of America in developing a system for the reintegration of war veterans, which combines state support, public initiatives, educational programs and social entrepreneurship mechanisms. The author proposes to summarize this experience in several conceptual areas that can be adapted in Ukrainian practice.

First of all, the emphasis is on institutional support from the state, which is implemented through financial incentives for veterans, the development of social entrepreneurship and the creation of specialized support centers. Veterans receive access to grant programs, preferential lending, tax breaks and advisory services to start or develop their own business. This system of state incentives combines financial instruments with vocational training programs, which increases the economic independence of veterans.

The second direction is related to the partnership between the state, the public sector and private structures. In the USA, networks of cooperation between government agencies, business and non-governmental organizations are actively developing, which support social enterprises focused on the integration of veterans into society. Such organizations not only provide financial and advisory support, but also form a social culture of respect for veterans as active participants in economic life.

The third direction is reintegration through the education system. Universities in the United States play an important role in supporting veterans by providing them with opportunities for learning, mentoring, career development, and psychological adjustment.[1] Educational institutions are creating specialized support centers that combine educational, social, and counseling functions. In particular, the University of Florida has a Center for Entrepreneurship and Innovation and a Veterans Success Center that provides access to educational and social resources, creating a favorable environment for the military community. The University of North Carolina (Chapel Hill) has a Veterans Resource Center and a network of military alumni that support veterans' educational and career initiatives.[2] The University of Southern California has a Center for Research and Support for Veterans and Military Families, which aims to develop the academic potential and well-being of veterans through educational programs, counseling, and career planning.[3] The fourth direction includes the creation of business incubators and innovation platforms for veterans, allowing them to start their own businesses in a safe environment, receiving technical, legal and educational support. These

institutions contribute to the development of social entrepreneurship, exchange of experience and professional adaptation of the military to the conditions of the market economy.

The next element is the integration of veterans into the labor market, which occurs through the activities of social enterprises founded by the veterans themselves[4]. Such enterprises not only create jobs for veterans, but also form internal corporate programs of psychological support, professional development and mentoring[5].

A separate direction is the support of veterans' mental health, which in the USA is implemented through a network of social enterprises and public initiatives. They provide psychological consultations, conduct group therapy, organize programs of social rehabilitation and prevention of post-traumatic stress disorder. Psychological support is considered not as a separate measure, but as an integrated component of the system of social and professional reintegration[6].

Thus, having studied the US experience in the field of reintegration of war veterans, we note that in Ukraine there are already certain initiatives to support veterans, however, some effective US practices have not yet been implemented or require significant improvement.

We propose to introduce the following practices in Ukraine based on the experience of the United States:

1) separation of veteran support programs from general social initiatives. In the United States, veteran policy has an exclusive status, and all services for veterans are coordinated by the Department of Veterans Affairs separately from general social programs. Ukraine also needs a centralized and independent mechanism for providing services to veterans, which will operate separately from general social security systems to ensure a prompt response to the needs of veterans and their families;

2) a system of priority access to medical services. In the United States, all veterans have access to subsidized medical care, but the level of benefits is determined by 8 priority levels, which depends on income level, combat experience, and the presence of injuries. In Ukraine, the priority system in the field of medical care is not yet structured, which complicates the prompt provision of services to veterans with the highest needs;

3) integration of veterans into the emergency management system. One of the key missions of the US Department of Veterans Affairs is to involve veterans in crisis management and ensuring national security. In Ukraine, veterans are a powerful resource that can be actively involved in civil defense, rescue services, and crisis management;

4) a system of employment for veterans and support for their economic adaptation. The Transition Assistance Program in the US helps veterans adapt to civilian life through educational programs, professional retraining, and job search. As a result, the unemployment rate among American veterans in 2022 was only 3%. It should be noted that in Ukraine, the problem of employment for veterans remains serious, as many of them do not have civilian professional training or face discrimination in the labor market;

5) activation of charitable organizations and cooperation with the private sector. In the US, there is a wide network of veteran service organizations (VSOs) that help veterans find jobs, social adaptation, medical care, and legal support. The Ukrainian veterans' sector needs more coordination and government support to operate effectively;

6) improving digital services for veterans. In the United States, there is an online access system for veterans' services, where they can apply for assistance, make an appointment with a doctor, apply for social benefits, or get legal advice. In Ukraine, veterans' services are still not fully digitalized, which makes it difficult to obtain them.

In France, a specialized retraining agency operates within the Ministry of Defense, which provides free consultations, support, and training courses to veterans, as well as spouses of those discharged from service; these services can be used within four years of the date of discharge. In order for the National Administration for Veterans and War Victims to recognize a person as a veteran, at least 90 days of service in a recognized combat unit and documentary evidence of one of the following criteria are required: a) participation of the unit in a firefight or combat; b) personal participation in

a firefight or combat; c) at least four months of service in the war in Algeria or during campaigns in Morocco or Tunisia, or four months of OPEX status (foreign operations of the French Armed Forces - in particular UN peacekeeping missions or other special operations defined by the Ministry of Defense). The status and card of «participant in hostilities» are automatically granted to those wounded in the war and to persons with the corresponding «cross» award.

In France, the status of "Death in the Service of the Nation" was introduced in 2012. It is granted to both military and civilian personnel if their death is related to national security or the fight against terrorism, starting in 2002. To obtain this status, an application must be submitted to the National Office of Veterans and War Victims, which conducts an inspection and, if confirmed, issues a combat veteran card. War veterans in France are also provided with an additional "combat veteran" pension, which they can start receiving after reaching the age of 65. This payment usually supplements their basic pension benefits, which are provided to holders of the corresponding card. In addition, veterans with a military disability may receive a special pension or additional financial assistance, the amount of which depends on the degree of disability. In some cases, such payments may be granted early if the level of disability is significant.

France also has a system of E-disability cards, which provide holders with benefits for transport, including the opportunity to use subsidized rail transport.

In Germany, war veterans have access to a network of military hospitals and specialized medical services. After completing their service, military personnel who have served for at least four years can use subsidized insurance within the national health care system. The duration of such subsidies is determined depending on the total length of service.

In addition, there is the armed forces' own social welfare service (Care & Care), which provides extended medical and social services. The organization of the care and social support process upon discharge of military personnel is carried out in cooperation with state medical and social services, with the participation of state insurance funds.

Regarding the possibility of continuing treatment in military medical institutions after discharge, the system provides for certain time limits, but they may vary depending on the circumstances.

To support the professional adaptation of veterans, the Vocational Development Assistance Service operates, which provides assistance with retraining and acquiring new professions for seven years after the end of service.

The number of charitable groups that directly represent veterans is smaller than in many other countries studied, and this is due to historical reasons. However, several groups have emerged that work with modern veterans of the German armed forces - in particular those who served in foreign missions (for example, in Afghanistan). Two such groups are the German Armed Forces Association and the German Veterans Association. The Bundeswehr's veterans' organization manual provides for increased cooperation with a number of groups.

The German experience demonstrates an effective model of veterans' social security that combines state, medical and educational services for the successful adaptation of military personnel after the end of service. Ukraine can significantly improve its veterans' support system by introducing the following practices:

1) subsidized insurance for veterans within the national health care system;

2) the introduction of a specialized social welfare service for military personnel (Care & Care), which provides medical, social and rehabilitation services for veterans. It works in cooperation with state medical and social services, using the state health insurance and social protection system.

5. Conclusions.

International experience demonstrates that effective war veterans' reintegration requires a holistic, long-term and person-centred approach that виходить за межі разових пільг and instead combines medical and psychological rehabilitation, inclusive education, tailored employment support, entrepreneurship programmes, housing and family services. Systems built on principles of

continuity ("from service to civilian life"), case management, "one-stop-shop" service models, digital accessibility and strong involvement of veteran-led organisations provide higher levels of social inclusion, prevent marginalisation and transform military experience into a resource for community leadership and economic development.

For Ukraine, the key lesson from foreign models is the need to institutionalise reintegration as a coherent state policy rather than a fragmented set of benefits, ensuring clear legal status of veterans, guaranteed access to mental health care, coordinated interagency action, and stable funding. Adapting best practices from the US, EU states, Canada, Israel and others should be carried out with regard to national realities, prioritising transparency, non-discrimination, support for families of fallen soldiers and wounded veterans, and continuous monitoring of programme effectiveness, thereby turning veteran policy into a driver of social resilience and democratic consolidation.

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PROTECTION OF ENERGY RESOURCES IN THE LEGAL MECHANISM OF FOOD SECURITY

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DOI: https://doi.org/10.61345/1339-7915.2025.4.23

Annotation. The article is devoted to analyze, evaluate, and propose improvements to the legal mechanism in Ukraine concerning the protection of energy resources to ensure national food security, specifically within the context of Ukrainian national agrarian and protection policy and the ongoing challenges posed by military aggression. The interconnectedness of energy security and food security is a critical, yet often under-examined, factor in the national security calculus of modern states. For Ukraine, a major global agricultural producer currently facing the profound challenges of armed aggression, this nexus has become acutely central to its national agrarian and protection policy. The legal mechanism for ensuring food security must, therefore, explicitly and robustly incorporate provisions for the protection and efficient use of energy resources, which are vital for every stage of the agri-food supply chain. The objectives of the study were: a) critical analysis of existing Ukrainian legislation (e.g., laws on martial law, agriculture, and energy) to identify gaps and inconsistencies in the protection of energy assets critical to the agricultural supply chain; b) to conceptually define the legal link between the protection of energy resources and food security, and to justify why disruptions in the former, under Ukrainian law, pose a fundamental threat to the latter. While Ukraine's legal framework provides general mechanisms for martial law and critical infrastructure protection, there is a significant legal gap in assigning enhanced, targeted protection status specifically to energy assets essential for the agricultural supply chain. However, the legal framework must fully catch up to ensure these small, distributed assets which are crucial for keeping local food production functional during large-scale grid failure are afforded the necessary legal safeguards, simplified operational procedures, and prioritized fuel (maintenance) access over non-critical commercial users. The methodology of researching legal problems of protection of energy resources in the legal mechanism of food security is based on the provisions of the general scientific dialectical method of scientific knowledge. In addition, were used formal-logical, formal-legal and hermeneutic methods to achieve the research goal.

Key words: food security, energy resources, state agricultural policy, agricultural sector, agrarian legal relations, sustainable development.

1. Introduction.

Supporting the global Sustainable Development Goals for 2030, defined by UN General Assembly Resolution № 70/1 of 25 September 2015, and taking into account their adaptation to the specificities of Ukraine's development, as set out in the National Report «Sustainable Development Goals: Ukraine, it is necessary to ensure the implementation of Ukraine's Sustainable Development Goals for the period up to 2030», in particular, overcoming hunger, achieving food security, improving nutrition, and promoting sustainable agriculture. This is stipulated by the Decree of the President of Ukraine dated 30 September 2019 № 722/2019 «On the Sustainable Development Goals of Ukraine for the period up to 2030». These and other areas of implementation of the state agricultural policy in the field of land relations require a more precise legal analysis and disclosure of their content.

Within the framework of the EU's Common Agricultural Policy, considerable attention is paid to regulating approaches to the collection and use of agricultural data as an important resource for the development of agriculture. Farmers are considered the primary owners of the data and therefore have the right to informed consent for any operations involving this data. The use of agricultural data must be transparent, with appropriate standards of confidentiality and cyber security.

Companies and digital platforms working with agricultural data are required to ensure that there is no unauthorised access or commercial use of information without the appropriate permissions. This approach contributes to the formation of a balanced system in which innovation is combined with the protection of farmers' rights and responsible data management.

2. Analysis of scientific publications.

The contemporary challenges facing Ukraine in the areas of energy security, food security, and sustainable resource management have generated an unprecedented level of academic and expert attention. Researchers across multiple disciplines emphasize that the war launched against Ukraine has not only disrupted regional stability but has fundamentally reshaped global energy and food systems.

As Al-Saidi argues, Europe's dependence on external energy supplies, especially during the crisis triggered by Russian aggression, has transformed the Middle East into both a "white knight" and a strategic partner of choice [1]. At the same time, Colgan, Gard-Murray, and Hinthorn demonstrate that the invasion dramatically increased Europe's fossil fuel costs, revealing the fragility of traditional energy supply chains and pushing the EU toward diversification, efficiency, and renewable alternatives [2]. The International Energy Agency further reinforces this by highlighting structural vulnerabilities in Ukraine's energy infrastructure and underscoring that ensuring energy resilience is now a matter of national and European security.

Parallel to the energy crisis, scholars such as Bychkovska, Velasquez, Boddiger, and Vishnevsky draw attention to the global repercussions of disruptions in Ukrainian agricultural production. Ukraine has long been a cornerstone of global food security, and its role in supplying grain and agricultural commodities to developing regions cannot be overstated [3; 4; 5]. The Food and Agriculture Organization outlines strategic priorities for stabilizing Ukrainian agriculture, stressing the need for adaptive technologies and post-war reconstruction of critical production systems. This perspective is echoed by UNECE, which emphasizes that innovative agricultural practices and climate-resilient technologies are essential not only for restoring Ukraine's farming capacity but also for addressing the compounded global food and energy crisis [6].

Scholars examining agricultural policy such as Kovalenko and Korniyenko [7], Novak and co-authors [8], and Bilousov [9] highlight that Ukraine's food security challenges are both economic and legal in nature. They argue that state policy must evolve toward stronger institutional capacity, better crisis-response mechanisms, and harmonization with European regulations. The idea that food can be used as a geopolitical weapon, explored by Pokalchuk and Pustovit [10], reinforces the urgency of developing robust legal safeguards to protect the population during wartime and to ensure uninterrupted food supply chains. Their analysis resonates with the broader academic consensus that food security is no longer a purely agricultural issue but a fundamental element of national defence and sovereignty.

Legal scholars such as Kurman and Tuieva deepen this perspective by exploring the legal mechanisms that underpin national security in the context of natural resource management [11; 12]. Their work shows that sustainable use of land, water, and energy resources is inseparable from the broader security architecture, especially during martial law. Sytnyk and colleagues expand on this by examining environmental protection as an integral component of Ukraine's energy resilience [13]. The research collectively reveals that legal modernization, environmental governance, and security planning must operate together to protect both people and ecosystems in times of crisis.

Next to these internal considerations, issues surrounding renewable energy and decarbonization also play a prominent role. Tvaronavičienė frames renewable energy development as a strategic opportunity but cautions that technical, institutional, and financial barriers remain significant [14]. Kirillova, Pukala, and Janowicz-Lomott complement this analysis by emphasizing the critical role of insurance mechanisms in renewable energy projects [15]. Their insights demonstrate that a strong insurance and risk-management framework is essential for attracting investment and ensuring the long-term sustainability of renewable infrastructure.

The economic and legal dimension of biofuel production has also been extensively studied by Janda and Stankus [16], as well as Obolenska [17]. Their findings highlight that the regulatory environment

in Ukraine remains complex and often insufficiently harmonized with European standards. Nevertheless, the shift toward biofuels represents both an economic opportunity and a strategic necessity, offering Ukraine a pathway to energy diversification and reduced dependence on fossil fuels.

Finally, the broader policy landscape is shaped by Ukraine's integration with the European Union. The Association Agreement implementation reports and EU directives, such as Directive 2003/54/EC, illustrate the ongoing process of aligning Ukrainian energy and agricultural regulations with European norms [18; 19]. Scholars such as Bityak emphasize that legal and economic support for state energy policy must be strengthened to meet these new expectations [20]. This alignment is more than a bureaucratic process; it is a transformative shift that places Ukraine within the European legal, economic, and environmental frameworks.

Taken together, the work of these researchers presents a comprehensive and interconnected picture. Energy and food security in Ukraine are not isolated issues but part of a wider geopolitical, legal, economic, and environmental context. The academic community largely agrees that Ukraine's resilience depends on coordinated reforms, advanced technologies, integration with European systems, and the development of strong protective mechanisms for both citizens and resources. At the same time, the war has revealed new global interdependencies, demonstrating that Ukraine's stability is directly linked to Europe's energy future and the world's food supply. The collective insights of these scholars form a powerful foundation for shaping policy decisions, guiding reconstruction efforts, and strengthening Ukraine's security and sustainability in the decades ahead.

3. The aim of the paper is to identify legal issues in the implementation of state agricultural policy in the field of agricultural information protection and the rights of agribusiness entities, as well as to develop scientifically sound conclusions and proposals for improving the scientific doctrine of agricultural law in Ukraine.

4. Review and discussion.

The legal protection of energy resources is indispensable for maintaining Ukraine's food security amidst conflict. Recent publications unanimously emphasize that Russia's invasion initiated cascading risks, directly linking rising energy and fertilizer prices to a worsened global and national food poverty crisis. Legal scholars explicitly analyze the shortcomings of pre-war legislation, noting its inability to effectively regulate the current catastrophic food security situation, especially in war-affected regions.

A key legal conclusion across the literature is the lack of specialized regulatory acts for the protection and restoration of decentralized energy infrastructure, which is crucial for the agricultural supply chain. Experts advocate for comprehensive legal improvement, recommending amendments to the Law "On the Legal Regime of Martial Law" and the creation of a new Law "On Energy Security" to provide this targeted protection. This proactive legal approach is deemed fundamental for post-war reconstruction and the resilience of the agricultural economy.

The legal reforms focus heavily on decentralization and green transformation, supported by newly adopted laws like № 9381. This legislation is crucial for enhancing energy resilience by simplifying regulatory procedures and stimulating investment in distributed generation, which directly benefits the localized energy needs of agribusiness. Furthermore, Ukraine's strategic focus on biomethane is highlighted as a major legal and economic development, offering a path to energy independence and EU market integration.

Legal mechanisms for biomethane export and the introduction of a Guarantees of Origin system have been established, providing farmers with added value and utilizing agricultural waste to substitute natural gas. However, publications note that despite legal frameworks being in place, barriers like complex certification procedures and incomplete alignment with all EU sustainability criteria (RED II) remain. Finally, the legal necessity of aligning with EU acquis drives much of the recent progress in climate policy, energy efficiency, and renewable energy, solidifying these concepts as legal obligations rather than mere policy goals.

Disruption of Ukraine's energy infrastructure has become a new security challenge and a tool of modern warfare. Technical and technological innovations in the development of energy technologies in all sectors of the economy, especially in the agricultural sector, can have a significant impact on the stability of the country's energy systems. Ensuring the sustainable development of the national economy and full access to reliable, sustainable, affordable and modern energy sources for all categories of consumers is becoming a priority of Ukraine's domestic national policy.

In the current conditions, national security strategies, along with national priority programmes, should include projects directly related to economic security, especially those aimed at developing such sectors of the economy as energy, trade and food. The deepening global food, energy and financial crises have brought to the fore the role of agricultural production as the most promising sector in the development of alternative energy sources. In terms of bioclimatic potential, taking into account the provision of normal living conditions, Ukraine has at its disposal a territorial space suitable for life and capable of providing food products of its own production for 150-160 million people. It can increase the production of alternative energy sources by processing agricultural raw materials by at least 30 % [6].

Ukraine's state policy in the field of energy security aims to ensure the protection of national interests in the field of providing access to reliable, sustainable, affordable and modern energy sources for all consumers in a technically reliable, safe, economically efficient and environmentally acceptable manner under normal conditions and in crisis situations, exclusively within the limits and in the manner specified by law. In order to ensure the balance of the economic, social and environmental dimensions of Ukraine's sustainable development, the Energy Security Strategy was approved by Resolution of the Cabinet of Ministers of Ukraine № 907-r of 4 August 2021.

According to the Strategy, the term energy security' refers to the protection of national interests in the field of ensuring access to reliable, sustainable, affordable and modern energy sources in a technically reliable, safe, economically efficient and environmentally acceptable manner under normal conditions and in conditions of a state of emergency or extraordinary circumstances. The strategic objectives include, in particular, the economic efficiency of the state's energy sector, energy supply systems and import substitution of mineral raw materials, as well as the energy efficiency of energy resources and the national economy. To achieve this, a number of measures are planned, including the promotion of import substitution, in particular through the development of bioenergy, wind energy, the reasonable increase in energy resource production, and the implementation of a set of measures to expand the use of local alternative fuels.

Ukraine's accession to the Energy Community plays a dual role: on the one hand, it serves to ensure transparency in relations between Ukraine and the EU in the gas and electricity sectors and to strengthen the EU's energy security, and on the other hand, giving impetus to the process of harmonising and adapting national legislation and procedures governing energy relations with EU rules and procedures. Certain active steps towards adapting national legislation in the field of promoting energy production using alternative sources were taken thanks to the approval by the Cabinet of Ministers of Ukraine on 3 September 2014 of the Action Plan for the implementation of Directive 2009/28/EC of the European Parliament and of the Council. Specific adaptation steps were noted in the 2015 Report on the Implementation of the Association Agreement between Ukraine and the European Union, which states that the term biomass' has been brought into line with the requirements of Directive 2009/28/EC of the European Parliament and of the Council EU, which makes it possible to obtain a «green» tariff for electricity production not only from waste, but also from agricultural and forestry products.

According to Article 91 of the Law of Ukraine «On Alternative Energy Sources» of 20 February 2004 № 555-IV the «green» tariff for economic entities that produce electricity from biomass is set at the level of the retail tariff for second-class voltage consumers as of January 2009, multiplied by the «green» tariff coefficient for electricity produced from biomass. For the purposes of this Law, biomass is considered to be a non-mineral, biologically renewable substance of organic origin, capable of biological decomposition, in the form of products, waste and residues from forestry and agriculture (crop and livestock production), fisheries and technologically related industries, as well as a component of industrial or household waste capable of biological decomposition. At the same time, the concept of renewable energy sources is further defined as renewable non-fossil energy sources, namely solar, wind, aerothermal, geothermal, hydrothermal energy, wave and tidal energy,

hydropower, biomass energy, gas from organic waste, gas from sewage treatment plants, and biogas (Article 1 of the Law of Ukraine «On Alternative Energy Sources»). A similar definition is contained in subparagraph 14.1.29 of paragraph 14.1 of Article 14 of the Tax Code of Ukraine. This interpretation of renewable energy sources is in line with Ukraine's obligations to adapt its national legislation to that of the European Union.

European Union Directive 2003/54/EC of 26 June 2003 uses the term «renewable energy sources», which means renewable inexhaustible energy sources (wind energy, solar energy, geothermal energy, wave energy, tidal energy, hydropower, biomass energy, gas from organic waste, gas from wastewater treatment plants and biogas energy) [19]. Further development of social relations in the field of agricultural bioenergy will make it possible to achieve, for example, the following goals: a) increasing the country's energy security by reducing dependence on imported energy resources; b) ensuring GDP growth by stimulating the production of alternative fuels; c) improving the state of the environment and reducing harmful emissions into the atmosphere.

According to Article 16 of the Law of Ukraine «On Energy Saving», energy saving is encouraged by: a) providing tax incentives to enterprises that manufacture energy-saving equipment, technology and materials, measuring instruments, control and management of fuel and energy resources, manufacturers of equipment for the use of non-traditional and renewable energy sources and alternative fuels; b) granting tax incentives to enterprises that use equipment powered by non-traditional and renewable energy sources and alternative fuels.

O. Bityak expressed a reasoned position that "...achieving significant economic effects from the implementation of energy-saving policies depends, first, on the systematic nature of economic and legal, as well as tax and budgetary measures, and second, on the creation of real mechanisms for implementing these measures" [20, p. 248]. The development of provisions and innovative use of renewable energy sources that can contribute to the creation of new markets for agricultural and forestry products should form the basis for reforming current agricultural legislation. In addition, according to S. A. Obolenska, the optimal balance between biofuel production and food security is a legal principle for regulating biofuel production in Ukraine by agricultural producers [17, p. 7]. Thus, the realities of the interaction between food and energy security indicate the possibility of forming an inter-sectoral legal institution of energy security in the agrarian law system, the norms of which are aimed at deepening the adaptation of Ukrainian legislation to EU legislation in the field of alternative energy development, including through the production of biological fuels.

5. Conclusions.

Ukraine's food and energy security challenges are deeply intertwined with global stability. The war has amplified vulnerabilities in fossil fuel dependence, disrupted agricultural exports, and exposed gaps in legal and institutional frameworks. Scholars emphasize that Ukraine's agricultural sector remains pivotal for global food supply, yet requires agro-ecological modernization, legal safeguards, and international cooperation to recover. Energy security studies reveal both the costs of Legal analyses underscore the necessity of harmonizing Ukrainian regulations with EU standards to ensure effective integration and compliance.

Insurance mechanisms, conformity assessments, and adaptive technologies emerge as practical tools to mitigate risks in both energy and food domains. The concept of "food as a weapon" illustrates the geopolitical stakes of agricultural policy, while renewable energy opportunities highlight pathways to reduce dependency and enhance resilience. Overall, Ukraine's trajectory is framed by its strategic importance to Europe: securing energy flows, stabilizing food exports, and aligning with EU legal frameworks. The collective scholarship concludes that sustainable recovery requires coordinated policy, investment in renewable and agro-ecological systems, and robust legal institutions. Ukraine's resilience is not only a national imperative but a cornerstone of European security in the post-war era.

In food security, legislation should secure strategic reserves, embed agro-ecological standards, and criminalize manipulation of supply chains. Harmonization with EU law is essential, particularly in traceability, conformity assessments, and environmental compliance. A unified "Food and Energy Security Act" could bring coherence to Ukraine's fragmented regulatory frameworks, creating a single legal architecture for crisis response, sustainability, and European integration. Coupled with stronger public-private partnership

incentives and independent regulatory bodies, such reforms would enhance transparency, investment stability, and institutional trust. These measures would not only reinforce Ukraine's internal resilience during and after the war but also solidify its position as a cornerstone of European food and energy security.

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CRIME IN THE FORESTRY SECTOR: CRIMINOLOGY PRINCIPLES

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DOI: https://doi.org/10.61345/1339-7915.2025.4.24

Annotation. The scientific article is devoted to a comprehensive criminological study of illegal activities in the forestry sector, the scale of which is becoming critical in the context of the global ecological crisis. The relevance of the study is due to the processes of climate change, the disappearance of species diversity and the catastrophic consequences of the armed conflict in Ukraine for the natural environment. The authors emphasize the key role of forests in maintaining biospheric balance, and the illegal use of forest resources poses a danger to both the national interests of Ukraine and the survival of civilization. The impact of large-scale hostilities on the country's forest resources is considered. The concept of forestry as a complex institutional system of social relations, including the exploitation, regeneration, protection and management of forest territories is argued. The functioning of the «forest cartel» is confirmed - a well-coordinated criminal network with numerous corruption mechanisms, support from government structures and foreign channels for the sale of illegal timber. The international scale of forest offenses implemented through combined schemes, where illegal logging is disguised as legal export agreements, is established. The transformation of forestry activities into a profitable business, which contradicts the environmental protection mission defined by forest legislation, is proven. The study reveals the systemic nature of forest crimes as an interdisciplinary phenomenon that combines economic, environmental and organized crime components with elements of political corruption.

The critical need for strengthening transnational partnerships, transforming forest asset management mechanisms, eliminating corrupt practices and reorienting the forestry sector from commercial profit to environmental responsibility is emphasized. It is proposed to consider environmental challenges as a factor in the loss of sovereignty, which requires a global approach to solving the problem in the context of preserving the vital functions of the planetary ecosystem and protecting the rights of future generations to exist.

Key words: forestry crime, forest crime, environmental security, organized crime, illegal logging, cross-border crime, criminological analysis.

1. Introduction.

Modern processes of climate transformation, reduction of biotic diversity and degradation of ecosystem complexes due to anthropogenic impact constitute challenges of the planetary level. These problems go beyond national interests, since natural systems are not limited by state or political demarcation lines. Special attention deserves the destructive ecological effect of the armed aggression of the Russian Federation against Ukraine, the consequences of which extend to the global civilizational space. Military actions cause a destructive impact not only on the socio-demographic sphere and urbanized centers of national identity, but also on the natural capital of Ukraine, the ecological stability of the European region and the biosphere as a whole. Forest ecosystems suffer the most significant losses from the above-mentioned anthropogenic factors, despite the fact that they are the key reservoirs of biological diversity on the planet, a critical regulator of the gas composition of the atmosphere, the thermal regime and the support of the life-supporting functions of the biosphere.

A significant factor in the destruction of forest resources in Ukraine and on a global scale remains illegal activities in the forestry sector. Large-scale volumes of illegal logging, criminal supply chains, corrupt mechanisms for supporting illegal activities turn the phenomenon of forest criminality into a problem of global importance. Counteracting this phenomenon acquires a strategic political,

economic and existential dimension both for the national security of Ukraine and for the world community in a planetary perspective.

2. Analysis of the source base.

The theoretical basis of the study was the works of such scientists as V.V. Bazelyuk, O.M. Bandurka, O.M. Dzhuzha, O.L. Dubovyk, V.P. Yemelyanov, A.E. Zhalinsky, O.M. Lytvynov, V.K. Matviychuk, O.V. Melnyk, V.O. Navrotsky, A.M. Prytula, I.G. Travina, P.L. Fris, V.B. Kharchenko, I.O. Khar, A.M. Shulga and others. However, some studies are either unspecified in relation to crime in the forestry sector, or are quite narrow and do not fully cover the phenomenon of forest crime, being limited only to individual criminal practices that make up its content, which in turn emphasizes the theoretical and practical significance of this scientific investigation.

3. The purpose of the article is to characterize crime in the forestry sector as an object of criminological analysis and to develop recommendations on this basis for improving the current legislation and the practice of its application.

4. Presentation of the research material.

The first half of the 21st century was marked by the persistence of negative, dangerous trends in the functioning of the biosphere of planet Earth. The patterns of climate change, established since the beginning of the first industrial revolution, intensified during the 20th century, and especially its second half, do not give optimistic forecasts for the preservation of life in the long term. The existing welcome trajectories are downward.

The Special Report of the Intergovernmental Panel on Climate Change (IPCC) emphasizes dangerous climate change, desertification, land degradation, sustainable land management, food security and greenhouse gas fluxes in terrestrial ecosystems. Since the pre-industrial period, the air temperature on the land surface has almost doubled. Climate change, including an increase in the frequency and intensity of emergencies and forest fires, has negatively affected food security and terrestrial ecosystems, and has contributed to desertification and land degradation in many regions (high confidence). It is emphasized that sustainable land management, including sustainable forest management and forest protection, can prevent and reduce land degradation, maintain its productivity, and reduce the negative impact of climate change (very high confidence). This can also contribute to climate mitigation and adaptation in general (high confidence) [1].

Thus, an adequate and innovative response to climate and environmental challenges and problems, including in particular in the field of forest conservation and restoration, is not only the task of an individual country, but a global agenda. Each state must make every effort to ensure the basic, fundamental conditions for preserving life and guaranteeing the right to life of future generations. Ecological obstructions are a factor of de-sovereignization, that is, a factor that is not understood and is not resolved within the framework of a separate state jurisdiction. The level of understanding of these problems is extremely old, which necessitates the use of the category of "all humanity".

In this aspect, we consider the reasoning of Y. V. Orlov, who develops the concept of "all-humanity" both in a general methodological format and in its application to criminological subject areas, to be correct and profound. The researcher, in particular, notes that climate change, depletion of natural resources, pollution and degradation of the environment, poverty, growing inequality within and between countries, unemployment, armed conflicts, extremism, terrorism are only individual fragments of a whole that remains beyond the horizon, beyond the spectrum of the visible. But it, this whole, affects the fragments. By affecting the fragments, it is impossible to radically change the whole, although the fragments, of course, affect the whole, complicating it [2, p.12].

Today's nature use, criminal and other socially dangerous (although this phrase here would be more appropriate to replace with another - naturally dangerous) exploitation of the environment

(including - pollution) is not consistent with the common, planetary, natural-human foundations of life [2, p.14].

Operating with the concept of universality involves all generations, both past and future at the same time. Each subsequent generation must take care of passing on the environment to the future in a better state than it received it. Such attitudes are possible exclusively within the identity axis «universal humanity - group - individual»; only in this connection does the subject arise - the predicate compound «Man - Nature», «Man Is Nature» (in the format of substantive logic, Western philosophical tradition) and «Man in Nature, Nature in Man» (in the format of process logic, Eastern philosophical tradition). This spike brings the discussion into the legal naturalistic plane (its active, most significant developer in modern Ukraine is Academician O. M. Kostenko, whose thoughts are concentratedly set out in his two widely known works of recent years [3]), in which all branches of law, including criminal law, find their resource [2, p.14].

Starting from March 2014 and up to the present day, part of the territories of Ukraine is temporarily occupied by the Russian Federation. It is difficult to estimate the area of forest areas under occupation, including taking into account the nature and unequal intensity of hostilities, especially after the full-scale aggression, from February 24, 2022. At the same time, it can be confidently stated that: a) actual access to forest areas of Ukraine in order to ensure their effective management and protection has decreased by no less than 15%; b) the mine contamination of forest areas in the territory controlled by the Government of Ukraine, in particular the Kyiv, Chernihiv, Sumy, and Kharkiv regions, is significant. This factor makes it impossible to actively and safely use forest areas and requires extensive humanitarian demining; c) large forest areas of the Northern, Eastern, and Southeastern Kharkiv regions, Dnipropetrovsk, and Zaporizhia regions are also characterized by a reduced intensity of use, maintenance, and environmental protection measures due to the proximity of the line of combat contact between the defenders of Ukraine and the occupation forces; d) finally, the destruction of forest areas during hostilities.

On the one hand, these factors, at the level of statistical patterns, should contribute to reducing the criminalization of the forestry sector. On the other hand, we must state that the inability of the Ukrainian state authorities to exercise proper control over forest use in the temporarily occupied territories frees the hands of both the occupation administration and ordinary criminals to unlawful, criminal use of forest resources. Therefore, the war factor is complex, ambiguously reflected in the phenomenon of crime in the forestry sector in Ukraine.

Making an interim summary of the analysis of the state of such a natural and social good as forests and the activities that unfold around their use, we can conclude that for the purposes of criminological research, forestry should be understood as an institutional metasystem of social practices that consist in the direct use of forest resources, forest restoration, the activity of specialized entities that protect forests, as well as the administration of the forest sector of nature management (organization of forestry, etc.).

Like any other sphere of activity related to the use of natural resources, forestry was first of all formed as an economic institution. Despite the nature protection functions and limited operational value of forests in Ukraine, in practice, emphasizes B. M. Golovkin, forestry activities are commercial in nature, oriented towards the export of timber and obtaining foreign exchange earnings.

More than 90% of forestry enterprises' income is made up of profits from the sale of business and fuel wood on the domestic and foreign markets. This state of affairs greatly stimulates intensive timber harvesting, including through illegal logging [4, p.6]. Despite the primacy of the ecological purpose of forests over the economic one, enshrined in the doctrine of the Forest Code of Ukraine, a commercial approach prevails in the activities of the State Forest Agency, regional departments of forestry and hunting, and specialized forestry enterprises subordinate to them. The high demand for timber in the conditions of underfinancing of the forestry sector by the state stimulates the priority development of self-sufficient and quickly profitable areas of forestry management. The existing semi-market, semi-planned state management mechanism, on the one hand, allows us to survive in objectively difficult conditions, and on the other hand, ensures the concealment of the real scale of timber turnover and funds from its sale. In the conditions of unregulated timber trade, this generates "shadow trade" and illegal operations with timber on the domestic and foreign markets [4, p.12].

Our analysis of the phenomenon, as well as the latency of crime in the forestry sector, as well as expert assessments collected both among workers in this industry and among representatives of law enforcement agencies, show that forest crime fully has the features and tendencies of reproducing economic crime in Ukraine. We can confidently state the existence of the so-called "forest mafia". Behind this conditional and somewhat allegorical name lies a very real structure, established practices of criminal exploitation of the forest through the use of numerous corruption schemes, means of political cover, which also uses the tools of lawmaking. Recognition of such broad boundaries of criminalization of forestry forces us to recognize the fact that representatives of the deputy corps, the Government, and law enforcement agencies are also involved in the chains of criminal practices.

So, recording these circumstances, we emphasize: crime in the field of forestry is an organized type of economic crime. At the same time, it is impossible to ignore the fact that the domestic sales markets for illegally obtained wood are very limited, both financially and institutionally, which actualizes the emergence of this crime outside of Ukraine, its acquisition of cross-border features. One way or another, but the movement of illegally cut wood involves its transfer across the state, customs border of Ukraine, the presence of a foreign actor that forms the demand for such wood, stimulating the corresponding criminal industries. The mechanisms of such interaction are hybrid, in addition to illegally extracted natural resources, they also include a number of legal (from a procedural point of view) economic transactions, including foreign economic ones, as well as cover-up and support operations, in particular corruption offenses.

The remarks of T. V. Melnychuk seem appropriate in this context, noting that organized criminal activity in the field of foreign economic activity is a certain social subsystem endowed with functionality, due to which the consolidation of criminal elements and the formation of their organization take place. The activities of organized criminal formations in the foreign economic sphere are aimed at obtaining profit from economic operations «production-consumption», which also include the supply of goods and services through international trade. The difference between organized criminal groups and other business structures in this case is that the supply is carried out illegally. Meanwhile, this does not reduce the steady demand for such goods and services, which partly provokes the development of organized criminal activity in the foreign economic sphere [5, p.9].

The economic condition of the Ukrainian forestry industry and the ecological condition of Ukrainian forests are unsatisfactory. The material base of forestry requires significant renewal. In many regions of Ukraine, the share of weakened and drying forests has increased, in particular, the derivative spruce forests of the Carpathians. An urgent solution to the issue of increasing the adaptive capacity of forest ecosystems to climate change and anthropogenic impact is required. Therefore, forests require increased care and implementation of measures in them on the basis of environmentally oriented and close-to-nature forestry [5, p.9].

Environmental crime is capable not only of self-determination, adaptation, relaying information about criminal and institutional practices to future agents of the shadow economy, but also of systematically resisting attempts to obstruct its structures and mechanisms. The last remark seems to be especially important, because it incorporates environmental crime (including crime in the field of subsoil use, forestry, etc.) into the composition not just of organized crime in its narrow, criminal-legal aspect, but in its broad criminological understanding as, first of all, a system of organized economic, political criminal practices that cause harm to the environment [6, p.67]. Its most significant features, as organized crime in the ecological and economic sphere, M. G. Maksimentsev rightly considers systematicity, integration with power structures, stability, the presence of developed mechanisms of self-reproduction (which, among other things, include corruption schemes), relaying criminal experience, including within the public administration apparatus, influence on the formation and implementation of state and local economic, environmental, partly foreign, legal and security policies, significant damage to the environment [6, p.67-68].

One can fully agree with the signs listed by M. G. Maksimentsev. Academician A. P. Zakaliuk also emphasized that the pinnacle of organizing the activities of criminal associations is their "coming into power" and seizing ultimate power [7, p.294]. And if the seizure of power by representatives of the conditional «forest mafia» is not a question, if only because political power is not a goal for them, but a means, then the presence of established mechanisms of criminal cooperation in the higher and central bodies of state power, as well as local self-government bodies, and levers of influence on the adoption of politically significant decisions for the forestry sector, is worth talking about, worth

investigating. But for now, let's state this as a given, as an immanent criminological feature of forest crime. And the use of a public, administrative resource only emphasizes the conditionally «suicidal», clearly self-destructive nature of forest crime as a crime, primarily (and we insist on this from ethical, axiological positions) environmental.

It is worth supporting the position of Yu. A. Turlova, who defines environmental crime as a social phenomenon that is dangerous to society, objectively functional, socially constructive in nature and manifests itself in behavior that is prohibited by criminal law and encroaches on the natural environment or its individual objects, environmental safety and natural resources, creating a danger to the biological foundations of the existence of humanity [8, p. 3]. Indeed, it should be about the danger to the biological foundations of existence on Earth. So what else should be the epistemological priority, what else, if not ecologically dominant, should be the optics of criminological or any other study of environmental crime in general and crime in the field of forestry, in particular.

5. Conclusions.

In conclusion, we think we have grounds to offer two definitions of the type of crime under study: narrow and broad. In a narrow sense, crime in the field of forestry (forest crime) appears as a historically variable, massive socio-legal phenomenon, which is expressed in the commission of criminal offenses against the forest as an element of the environment and which are provided for in Articles 245 and 246 of the Criminal Code of Ukraine. Such an understanding is operational, can be used with limited cognitive and practically transformative potential, but at the same time it provides sufficient focus on the problem of direct illegal logging of the forest, its transportation, storage, sale, as well as the destruction or damage to forest areas. In this case, forest crime as a «forestry crime» is actually reduced to its subject-centering element - criminal-industrial logging of the forest, i.e. «timber crime» (or expanded in the discourse of Interpol - «illegal logging and illicit timber trafficking») and the related careless damage to the forest.

In a broad sense, forest crime can be defined as a sustainable type of economic and ecological organized crime, expressed in institutional, prohibited by the law on criminal liability, mass, super-summary social practices in the field of management, use, reproduction and protection of forests, which encroach on ecological safety, the natural foundations of biological life and sociality, and threaten the biological and civilizational foundations of the existence of humanity. This approach reflects the institutional nature of forest crime, which is cross-systemic, reproduced as both economic and ecological and organized crime with elements of political criminal practices.

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ADMINISTRATIVE PROCEDURE AS A CATALYST FOR CHANGE IN PROFESSIONAL VALUATION ACTIVITY IN UKRAINE

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DOI: https://doi.org/10.61345/1339-7915.2025.4.25

Annotation. The article analyzes the impact of the Law of Ukraine "On Administrative Procedure" (LAP) on the transformation of professional valuation activity in Ukraine. It is noted that the entry into force of the LAP in 2023 and its integration into the special legislation on property valuation in 2024 became a catalyst for unifying the procedures of interaction between the regulator (the State Property Fund of Ukraine) and the subjects of valuation activity, shifting the sphere from fragmented oversight to a system of public-law guarantees.

The key innovations of the LAP are examined, including the definition of an administrative act, the stages of administrative proceedings (initiation, preparation, consideration, adoption, and execution), as well as the principles of the rule of law, reasonableness, proportionality, and officiality. It is emphasized that these norms apply to the SPFU's decisions regarding the issuance or revocation of certificates, qualification attestations, and the review of valuation reports, ensuring participants' rights to access case materials, receive reasoned decisions, and appeal them. The role of the LAP as a subsidiary act harmonizing sectoral regulation, reducing corruption risks, and aligning Ukraine with European standards of good governance is highlighted.

It is determined that a significant aspect of reform is the implementation of a unified mechanism for administrative appeal (30-day time limit, reasoned decision), automation of proceedings and digitalization (electronic registers, automated valuation services), as well as the stimulation of the appraisers' qualification reform through Draft Law No. 13435 on the transition to international standards. The article analyzes implementation challenges such as bureaucratization, reissuance of certificates in 2025, division of competencies with self-regulatory organizations, digitalization challenges, and the balance between freedom of contract and imperative regulation.

It is argued that the LAP fundamentally changes the paradigm of valuation activity, transforming it into a service-oriented model focused on transparency and rights protection, despite wartime and resource constraints. The article proposes solutions including the development of specialized methodologies, certification of algorithms, dialogue with the professional community, and updating of subordinate acts to ensure the effectiveness of the reform.

Key words: administrative procedure; valuation activity; Law of Ukraine «On Administrative Procedure»; State Property Fund of Ukraine; administrative act; appeal of decisions; professional qualification of appraisers; review of valuation reports; digitalization of registers; international valuation standards.

1. Introduction.

The current stage of development of the Ukrainian legal system is marked by profound transformative processes aimed at consolidating the principles of the rule of law, transparency, and effective public administration. One of the key steps in this direction has been the adoption of the Law of Ukraine "On Administrative Procedure" (hereinafter – the LAP), which has established unified foundations for interaction between public administration bodies and private individuals. This legislative act, being the result of many years of academic debate and political efforts, has inevitably triggered

a cascading effect, necessitating the review and adaptation of numerous special regulatory acts governing specific spheres of social relations. One such sphere that has undergone significant changes is professional valuation activity. The institution of property valuation is an integral element of a market economy, ensuring objective determination of asset value for the purposes of taxation, privatisation, lending, judicial dispute resolution, and managerial decision-making. Accordingly, the reform of legislation regulating this activity has not only sectoral professional relevance, but also broader economic and social significance.

The impact of the general procedural law on the specialised regulation of valuation activity is a complex and multidimensional issue that generates active scholarly discussion and demands in-depth analysis. The relevance of this research is further reinforced by the fact that, until recently, the absence of effective general legislation on administrative procedure in Ukraine diminished the quality of public-service activity, hindered alignment with European standards of good governance, and created conditions for corruption risks.

2. Analysis of scientific publications.

Issues of administrative and legal regulation of valuation activities have been examined in the works of Ukrainian scholars, including, in particular, T.V. Kalinesku, A.V. Dombrovska, K.Yu. Ivanova, Yu.O. Chechil, A.V. Naumenko, L.P. Tymoshchyk, O.P. Harazha and others. At the same time, no comprehensive research has been conducted in Ukrainian legal doctrine on the legal consequences and challenges of introducing administrative procedure into the sphere of valuation activity in the context of recent reforms.

3. The aim of the work.

The purpose of this article is to analyse the impact of the Law of Ukraine "On Administrative Procedure" on professional valuation activity in Ukraine, to identify key changes in regulatory procedures, to assess implementation challenges, and to formulate recommendations for harmonising special legislation with the principles of good governance in order to enhance transparency, efficiency, and the protection of the rights of participants in the valuation market.

4. Review and discussion.

Valuation activity in Ukraine is entering a phase of profound reconfiguration: from a privatized "craft" with fragmented state oversight, it is gradually transforming into a sphere in which public-law procedural guarantees determine the quality of each decision. For clarity, two basic definitions should be fixed. First, an administrative procedure is the legally established procedure for the preparation, adoption, formalisation and appeal of individual administrative acts, which ensures the right to be heard, access to the case file, the requirement of a reasoned decision, and the possibility of its review [9]. Second, valuation activity is the professional activity of valuers and valuation entities, regulated by the Law of Ukraine "On Valuation of Property, Property Rights and Professional Valuation Activity in Ukraine" (hereinafter – the Law of Ukraine on Valuation), aimed at determining the value of property and rights in compliance with special standards and admission requirements [12]. A turning point was the entry into force of the Law of Ukraine "On Administrative Procedure" on 15 December 2023, and the subsequent alignment of the Law of Ukraine "On Valuation of Property, Property Rights and Professional Valuation Activity in Ukraine" as of 10 October 2024 with the new procedural framework. Thus, a unified "framework" of good governance replaces the previously dispersed by-laws, setting a new perspective for interpreting the entire valuation sphere.

A key innovation of the Administrative Procedure Law (APL) is the definition of the concept of an "administrative act" as an individual decision or action adopted by an administrative body to resolve a specific case, aimed at the acquisition, modification, termination or exercise of a person's rights and/or obligations [9]. In the context of valuation activity, this definition encompasses a wide range of decisions adopted primarily by the State Property Fund of Ukraine (SPFU) as the main regulator. These include decisions on issuing or revoking a valuation entity's certificate, issuing or withdrawing a

valuer's qualification certificate, entering information into the State Register of Valuers and Valuation Entities, as well as decisions based on the review (recension) of valuation reports. Previously, the procedure for adopting such decisions was regulated mainly by SPFU by-laws and did not always contain clear guarantees of individual rights. With the entry into force of the APL, each such decision must be adopted within a clearly defined administrative procedure consisting of several stages: initiation of proceedings, preparation of the case, examination of facts and collection of evidence, consideration of the case, adoption of the administrative act, and its enforcement [2].

This means that a valuation entity or valuer applying to the SPFU, for example for a certificate, acquires the status of a participant in administrative proceedings with the full range of rights guaranteed by the APL. Among these are the right to be heard before an adverse decision is taken, the right of access to the case materials, the right to submit evidence and motions, and the right to receive a reasoned decision in which the administrative body must justify its conclusions with reference to legal provisions. This fundamentally changes the paradigm of interaction with the regulator, shifting it from a "petitioner–authority" model to a framework of more equal dialogue, in which the public body is obliged to act impartially and in a substantiated manner. The regulatory impact analysis prepared by the SPFU indicates that the introduction of a clear administrative procedure reduces the risk of unfounded decisions, including unjustified refusals to issue certificates [1].

In its interaction with other laws, the APL functions as a subsidiary act: pursuant to Article 3, its provisions apply where a special law does not provide otherwise, while even in such cases the general principles must be observed [9]. This creates a foundation for harmonisation with sectoral regulations, including in the field of property valuation, where administrative bodies such as the SPFU issue qualification certificates and licences, conduct inspections, and review valuation reports. According to I. Boiko, the APL revolutionises administrative law by transforming it from an instrument of power into a mechanism for the protection of rights, which is particularly relevant in economic sectors where property interests often become the object of administrative intervention [3]. In practical terms, the APL affects valuation activity through requirements on the form of administrative acts (Articles 70–72), procedures for recusal of officials (Articles 23–24), and mechanisms of appeal (Articles 78–85), thereby making processes more transparent and predictable. For example, in the valuation of property for tax or privatisation purposes, where the SPFU acts as an administrative authority, the APL obliges it to provide reasoned decisions that take into account independent valuations, reducing subjectivity and increasing trust in the system. As V. Tymoshchuk emphasises, the implementation of the APL makes it possible to avoid chaos in administrative procedures by ensuring a unified standard for all spheres, including economic valuation, where previously fragmented norms prevailed [17].

Thus, the reform transforms the legal nature of relations between the State Property Fund of Ukraine (SPFU) and the professional valuation community. The SPFU continues to exercise regulatory functions, but now strictly within a defined procedural framework: it issues, suspends and revokes permits, provides methodological guidance to the market, and conducts quality control not "at its own discretion" but through formalised stages of proceedings with a predefined set of participant rights [13]. A comparative perspective reinforces these standards: under EU law, Article 41 of the Charter of Fundamental Rights enshrines the right to impartial and timely handling of matters, access to the file and the right to be heard; such guarantees are likewise expected from national authorities [20]. In the valuation context, this means that every SPFU decision on issuing, refusing, suspending or revoking a valuer's qualification certificate or a valuation entity's certificate must be adopted only after granting the person access to the materials, an opportunity to submit explanations, and must contain relevant factual and legal grounds and clear instructions on appeal procedures.

As noted by O. F. Andriiko et al. in the scientific and practical commentary to the Law on Administrative Procedure, this act not only harmonises procedures but also introduces elements of adversariality similar to those in judicial proceedings, enabling participants to actively defend their position by submitting evidence and objections [7]. Article 4 of the Law of Ukraine "On Administrative Procedure" situates valuation-related cases within a value-based framework: the rule of law, legality, equality, reasoned and impartial decision-making, good faith and prudence, proportionality, openness, timeliness and reasonable time limits, efficiency, presumption of lawfulness of an individual's actions, officiality, participation of the person, and effective remedies [9]. For the valuation sector—where regulatory decisions often rely on expert judgment and operate within the margins of administrative discretion—this entails a shift from mere "formal compliance" to "procedural quality": the authority is not only competent but obliged to balance the public interest with the legitimate expectations

of the professional community and individual valuers (the right to be heard, access to materials, reasoned and appealable decisions). As a result, valuation activity moves from "regulatory routine" to a procedural culture in which process is not a burden but a guarantee of decision quality [9].

Accordingly, the Law on Administrative Procedure is intended to establish uniform, transparent and fair rules for the adoption of administrative acts, including the obligations to provide reasoning, ensure the right to be heard, guarantee access to the case file, and define clear time limits and appeal procedures. O. Andriiko, V. Bevzenko and others emphasise that the codification of administrative procedure creates basic "standards of conduct" for public authorities and "unifies models of decision-making" across different sectors of administrative activity. They stress that the principles of proportionality, impartiality, good faith and good governance introduced by the law have a direct disciplining effect on administrations interacting with businesses and citizens. All this prevents "corporate" or departmental deviations from common rules in areas involving public oversight of markets—with the professional valuation market being one of the key examples [7].

Of particular significance for the valuation field is the principle of officiality (Article 16 of the Law on Administrative Procedure): the administrative authority is obliged to independently and actively ascertain all relevant facts and may not shift onto the applicant the burden of collecting information held by other public authorities or in state registers [9]. In practice, this means that when issuing or renewing qualification certificates or valuation entity certificates, the SPFU must obtain the necessary data through inter-agency cooperation rather than requiring applicants to resubmit documents; this approach is already communicated by the Government as a reduction of the bureaucratic burden for citizens and businesses.

An important procedural "bridge" between the Law on Administrative Procedure and the Law of Ukraine on Valuation is the introduction of a unified mechanism for administrative appeal. Pursuant to Article 18 of the Law on Valuation, decisions on revocation, suspension or invalidation of a qualification certificate must be taken only after ensuring the person's right to participate in administrative proceedings and may be appealed by the valuer in the administrative procedure established by the Law on Administrative Procedure or before an administrative court. The time limits and forms provided by the Law on Administrative Procedure apply for this purpose. In particular, the law stipulates a 30-day period for lodging an appeal against an administrative act (Article 80), and sets requirements for the content of the complaint and the procedure for its examination (Article 47) [9]. For valuation market participants, this creates a predictable mechanism for reviewing decisions of the SPFU and its territorial offices, which complements rather than replaces judicial protection. Where previously complaints were handled under "departmental" algorithms, a single matrix now applies: a clear time limit, an obligation to obtain the case materials, the opportunity to be heard, and a reasoned decision as an outcome. This enhances consistency of practice, reduces transaction costs and levels the playing field for all actors—both large companies and individual valuers [4].

In addition, in 2024 Article 2 of the Law of Ukraine on Valuation was amended to include a reference to the Law on Administrative Procedure, meaning that decisions/acts in the field of valuation must be adopted in compliance with the principles of administrative procedure, thereby reducing the risk of arbitrary sanctions. According to V. Tymoshchuk, this contributes to the democratisation of control in an area previously dominated by an authoritarian approach of state authorities [19]. Thus, whereas previously the procedure for challenging SPFU decisions was fragmented and often effectively forced individuals to apply directly to the courts, now a person who disagrees with an administrative act (for example, a decision to revoke a qualification certificate) has access to an effective pre-trial remedy. The Law on Administrative Procedure provides the right to lodge a complaint with a higher administrative body or with a complaints commission specifically established to ensure an objective and comprehensive review of the case [9]. The complaint procedure is also formalised: the body examining the complaint must review the contested act in its entirety, and not only within the limits of the arguments raised by the complainant. This creates an additional "filter" for correcting possible mistakes of administrative authorities and enables the restoration of violated rights more quickly and at lower cost than through judicial proceedings. In the valuation sector, this is of crucial importance. For example, in cases of negative review of a valuation report that may jeopardise an entire transaction, or in cases of what the valuer considers unjustified revocation of a qualification certificate, there is now a clear and transparent algorithm of actions. Instead of lengthy court proceedings with unpredictable outcomes, market participants receive an effective mechanism for pre-trial dispute resolution.

This, in turn, will contribute to strengthening trust in the regulator and ensuring the stability of the valuation services market. As S. M. Shandruk notes, the main goal of the Law on Administrative Procedure is the development of a service-oriented state, in which the administrative authority is not a punitive instrument but a partner that facilitates the exercise of individual rights [21]. The implementation of this ideology in the activities of the SPFU and other relevant bodies is the key outcome of the new law's implementation.

However, it should be emphasised that the impact of the Law "On Administrative Procedure" is not limited to the mechanical application of its norms to existing legal relations. It acts as a powerful catalyst for a systematic review and modernisation of the entire sector-specific legislation. The fact that the provisions of the Law of Ukraine on Valuation, adopted back in 2001, and numerous by-laws often do not correspond to the principles laid down in the Law on Administrative Procedure, generates legal uncertainty and necessitates their urgent alignment. It is for this reason that Draft Law of Ukraine "On Property Valuation" No. 13435 has been registered in the Verkhovna Rada, which, according to its initiators, aims not at isolated amendments but at a comprehensive reform of the sector. This draft law is a direct response to the challenges posed, inter alia, by the Law "On Administrative Procedure" [14].

The main problem that the new draft law seeks to address is the chaos and inconsistency prevailing in the valuation sphere due to outdated standards and the multiplicity of approaches. Situations frequently arise where, for the valuation of a single real estate object (for example, a building with a land plot), it is necessary to commission two separate valuations from different specialists, with significantly divergent results. This is illogical, costly and creates corruption risks. The reform proposes a shift to unified, internationally and European-recognised valuation standards, intended to ensure coherence and objectivity of results. This transition fully aligns with the spirit of the Law on Administrative Procedure, which requires unity, predictability and transparency in the activities of administrative bodies. The standardisation of valuation procedures is a logical extension of the standardisation of administrative procedures. It should be stressed that the move to international and European valuation standards is also consistent with Ukraine's strategic objective of integration into the European economic area [8]. Crucially, the choice of applicable standards may be determined both by the valuation contract between the client and the valuer and by regulatory requirements for certain categories of assets, such as privatisation of state property or collateral valuation in the banking sector. This creates a complex system of interaction between contractual regulation and administrative-law prescriptions. Thus, the Law on Administrative Procedure does not simply "overlay" the valuation sphere, but stimulates its internal restructuring on new, more modern and equitable foundations that correspond to Ukraine's international commitments.

Another dimension of its impact is the strengthening of the accountability of administrative bodies in the valuation sector: the Law on Administrative Procedure introduces procedural safeguards (in particular regarding the collection and assessment of evidence; Article 53 on evidence), while compensation for damage caused by unlawful decisions follows from other acts (including Article 56 of the Constitution of Ukraine and provisions of the Civil Code of Ukraine). This has already influenced SPFU practice, where the number of successful appeals has increased, compelling authorities to provide more thorough justification for deviations from valuations. Parallels with valuation in judicial proceedings show that the Law on Administrative Procedure unifies evidentiary standards, making valuation reports key pieces of evidence. In other words, the law transforms valuation from a purely technical operation into an element of administrative decision-making endowed with full guarantees of rights protection.

The draft Law on Property Valuation provides for the introduction of professional liability insurance for valuers and the establishment of stricter qualification requirements for managers of valuation entities, including the requirement that the company director be a certified valuer or a person with a financial education [14]. The aim is to overcome the existing practice whereby valuation entities systematically produce low-quality valuations through hired valuers, and when one valuer's qualification certificate is revoked, the director simply hires another and continues operating. However, the implementation of such requirements necessitates the development of detailed administrative procedures for monitoring the activities of valuation entities, including procedures for inspections, complaint handling and bringing violators to liability. This is a complex task given the regulator's limited resources and the need to maintain a balance between effective oversight and non-interference in economic activity. Thus, administrative procedure has also become the "framework" for the human resources and qualification reform of the valuation profession.

The introduction of administrative procedure has affected the system of professional training and qualification of valuers, which has undergone fundamental changes under the new version of Article 15 of the Law of Ukraine on Valuation (as amended by Law No. 4017-IX of 10 October 2024). Three new valuation areas have been established instead of the former system of two areas and nine specialisations: (1) valuation of immovable property and real estate and rights thereto; (2) valuation of movable property; (3) valuation of business, business interests, financial instruments and intangible assets, including intellectual property rights (Part 2, Article 15). The new version of the Law on Valuation also introduces a minimum duration of one year for basic training with mandatory internship and establishes a fixed term for the valuer's qualification certificate, with a two-year cycle for renewal through continuing professional development [12]. Basic qualification training for valuers now lasts at least one year, with compulsory internship as part of the educational process organised by educational institutions in cooperation with self-regulatory organisations of valuers. The qualification certificate becomes time-limited, valid for two years between training cycles, thereby introducing a system of continuous professional education and regular confirmation of competence. As a result, professional standards are combined with procedural guarantees: the right to be heard before a restrictive decision is taken, full access to the case materials, a reasoned decision, and effective remedies of appeal. In our view, this reflects the idea of "continuous professional education as a condition for market access" and imposes discipline on both the authority and the applicant. In short: "quality education + quality procedure = quality valuation."

In this context, it is also important to emphasise the content of administrative "evidentiary" standards and the role of specialised knowledge in administrative cases, since valuation is inherently expert knowledge. Contemporary doctrinal approaches in Ukrainian administrative law, supported by training materials for public officials, stress that an administrative body is obliged to actively collect and assess evidence, including expert opinions and valuation reports. However, the final decision must be based on a critical and impartial assessment of the relevance and sufficiency of such materials [18]. The case law of administrative courts, which inevitably serves as a benchmark for the administration, consistently underlines the auxiliary nature of expert opinions: they do not have predetermined probative force and must be assessed in conjunction with other case data. In practical terms, this means that reviews of valuation reports, conclusions of forensic valuation experts, and automated extracts from the SPFU database are "input" evidence but not "ready-made decisions" – and the Law on Administrative Procedure constrains public authorities by requiring them to explain why particular materials are relied upon as the basis of an administrative act.

If the review of valuation reports is the central mechanism of quality control on the market, the Law of Ukraine on Valuation directly requires that such reviews (recensions) be prepared at the request of a client, a public authority or a court (Article 13). The Law on Administrative Procedure adds a universal procedural "overlay": the party must be granted access to the review, given an opportunity to comment, afforded a reasonable period to remedy deficiencies, and provided with a reasoned final position of the administration whenever the review entails authoritative consequences (such as refusal to accept a valuation report or initiation of disciplinary proceedings). For the valuer, this means that the review process ceases to be a "black box" and acquires elements of adversarial procedure and predictability, with clear stages and defined rights and obligations.

At the same time, although the Law on Administrative Procedure governs the extra-judicial phase, its procedural standards subsequently "migrate" into the benchmarks applied by administrative courts. The court examines whether the right to participate in the proceedings was ensured, whether access to the file was granted, whether adequate reasoning was provided, whether time limits were respected, and whether the interference with rights was proportionate. For public authorities and market participants, this means the evidentiary basis must be constructed "with the court in mind" already at the administrative stage. Doctrinal and practical materials of the Supreme Court explicitly underline these innovations and their importance for practitioners. As a result, the link between the quality of administrative proceedings within the State Property Fund of Ukraine and the resilience of its decisions in judicial review is significantly strengthened [16].

The impact of the Law on Administrative Procedure is also relevant for "mixed" situations where a forensic valuation expert's opinion on the value of property becomes a source of information for the administration. Special legislation has repeatedly clarified the status of such opinions, in certain respects equating them to valuation reports, yet their ultimate effect depends on the procedural environment: an administrative body cannot mechanically "copy" the expert opinion into the

reasoning of its act without conducting its own assessment of the evidence and without respecting the parties' right to provide explanations or objections. In this regard, the Law on Administrative Procedure "ties together" different regimes of expert activity, including by granting participants in the proceedings tools to request additional information and submit alternative expert materials.

For example, forensic valuation experts operate within the frameworks of criminal, civil, commercial and administrative procedural legislation, which impose specific requirements on expert examinations, including warnings about criminal liability for knowingly false conclusions, work based on limited case materials, and the need to determine value as of a retrospective date. Unlike valuers, who may communicate with all parties to a contract, inspect the property and collect necessary information, forensic experts are deprived of such possibilities and must rely solely on materials provided by the authority that ordered the examination. The absence of a unified methodology for determining the value of property as of a past date—one that would reflect the specific nature of forensic expertise and ensure methodological consistency between valuers and forensic experts—leads to divergent conclusions by different professionals regarding the same asset, thereby undermining trust in valuation activity as a whole. The introduction of administrative procedure does help address this problem by creating a framework for harmonising methodological approaches among the various regulators of valuation activity and forensic expertise; however, such a mechanism has not yet been fully developed.

Problems associated with the implementation of administrative procedure in valuation activities arise at different stages of reform and have both objective and subjective dimensions. One of the most acute challenges is the need for mass reissuance of valuers' qualification certificates in accordance with the new valuation areas during 2025. The State Property Fund of Ukraine has developed a simplified procedure for reissuance upon the valuer's application, without additional conditions or examinations, with the issuance of an electronic qualification certificate. However, given the scale of this task, the number of active valuers, and the difficulties caused by wartime conditions, there is a real risk that some valuers may fail to complete reissuance by the end of the year and thus find themselves outside the boundaries of lawful professional activity [6; 15]. The situation is particularly problematic for valuers whose qualification certificates were suspended due to failure to undergo timely continuing professional development, as reissuance for them is possible only after completing a new qualification cycle, creating additional temporal and financial barriers to returning to the profession.

A significant issue also arises in delineating competences between the state regulator of valuation activity and valuers' self-regulatory organisations in the context of implementing administrative procedure. The Concept for the Development of Valuation Activities, presented by the All-Ukrainian Association of Valuation Specialists, envisages the establishment of a Supervisory Board as a body with broader powers regarding professional training, certification, resolution of disputes and disciplinary matters [5]. It is proposed that part of the state's regulatory functions be delegated to self-regulatory organisations, in particular with respect to organising training, issuing qualification certificates to valuers upon coordination with the State Property Fund, and handling complaints against valuers through a Qualification and Disciplinary Commission. However, the introduction of such a model, in our view, requires a clear definition of the administrative procedural framework for the activities of these bodies, the establishment of mechanisms for interaction between state and professional institutions, and the provision of procedural safeguards for individuals affected by their decisions. This necessitates the development of special legislation on the status of self-regulatory organisations within the system of public administration of valuation activities.

Equally relevant is the issue of digitalisation of valuation activities and the creation of electronic registers in the field of property valuation. The draft Law on Property Valuation provides for the possibility of preparing valuation reports in electronic form, issuing qualification certificates to valuers electronically, and establishing a State Register of Valuation Reports on State and Municipal Property to ensure transparency and access to information [14]. The State Property Fund of Ukraine switched to the electronic issuance of qualification certificates as early as summer 2025, which has significantly simplified the procedure for obtaining documents, especially under wartime conditions [11]. Nevertheless, the implementation of electronic procedures still requires the development of appropriate technical infrastructure, ensuring cybersecurity, and establishing mechanisms for electronic identification and authentication of participants in administrative proceedings, all of which demand substantial investment and time.

The digitalisation of management processes, the introduction of artificial intelligence systems and automated valuation methods also pose new challenges for law enforcement. In this context, the possibility of automatic processing and decision-making in administrative cases, as provided by Article 62 of the Law "On Administrative Procedure", has a significant impact on valuation activities [9]. This provision allows cases to be examined and administrative acts adopted in an automatic mode by technical means without the participation of an official of the administrative body, where this is provided by law or by a decision of the administrative body for specific categories of cases. The use of the automatic mode is permissible where the resolution of the case does not require an assessment of evidence and circumstances by the administrative body and does not necessitate the person's participation in the administrative proceedings. In the valuation sphere, automation may be introduced for certain procedures, such as updating information on a valuer or valuation entity in the State Register of Valuers and Valuation Entities, or extending the validity of documents where all statutory requirements have been fulfilled.

The Unified Database of Valuation Reports and the electronic service for certificates of real estate valuation are among the key elements of the valuation market. The Law on Administrative Procedure does not alter the substantive algorithm of automated valuation, but it does transform the "procedural regime" of the service: every refusal to issue a certificate, every decision to cancel the registration of a report, or any request to provide additional information must now be formalised as an administrative act with all requisite attributes—legal grounds, reasoning, reference to applicable law, and an indication of the time limit and procedure for appeal. This enhances the transparency and manageability of the system: both the applicant and the notary receive not merely a "system notification" but a legally significant act that can be challenged through administrative remedies and, subsequently, in court.

However, it should be noted that the Law "On Administrative Procedure" is oriented towards the activities of authorised subjects—natural and legal persons - while algorithmic systems do not possess an appropriate legal status. This raises several questions: can automated valuation systems be recognised as subjects of valuation activity, what are the limits of their liability, and how can transparency and verifiability of algorithms be ensured? Addressing these issues requires the development of effective mechanisms for certification, oversight and protection of individuals' rights in the use of algorithmic valuation systems. First and foremost, it appears appropriate to introduce state certification of algorithms and digital platforms used in valuation activities. Such certification may be conducted with the participation of the State Property Fund of Ukraine or accredited conformity assessment bodies on the basis of criteria such as transparency, accuracy, reliability and reproducibility of valuation results. A certified algorithm should undergo regular verification for compliance with International Valuation Standards (IVS) and national information security standards, thereby ensuring the reliability of outcomes.

As regards the relationship between the principle of freedom of contract in valuation activity and administrative regulation through mandatory norms and procedures, it should be emphasised that valuation activity is inherently an economic activity carried out on the basis of contracts between clients and providers of valuation services, allowing for flexibility in agreeing the terms of service, including the choice of valuation methods, scope of analysis, and the format of valuation reports. At the same time, in cases of mandatory valuation prescribed by law - such as privatisation of state and municipal property, valuation for lease, determination of authorised capital - valuations must be conducted in accordance with binding national valuation standards and other regulatory acts. The introduction of administrative procedure strengthens the public-law dimension of valuation activity by establishing additional procedural requirements for interactions between participants in valuation relations, which in turn may generate tensions between the principles of freedom of enterprise and the need to protect public interests through administrative regulation.

A significant issue also arises in relation to the elimination of fractional valuation of property and the introduction of an integrated approach to real estate valuation. Traditionally, in Ukraine, there has been a practice of separate valuation of land plots and the buildings and structures located on them, which does not correspond to international approaches, under which land and improvements are treated as a single valuation object. The draft Law on Property Valuation proposes to overcome this practice by introducing a requirement for comprehensive valuation of real estate as an integrated whole [14]. However, in our view, this necessitates changes in land legislation, urban planning legislation, and legislation on state registration of rights to immovable property, since fractional

valuation is a consequence of a fragmented system of legal regulation of real estate in Ukraine, where land plots and buildings are treated as separate objects of ownership subject to different regulatory regimes.

Under current conditions, it is necessary to develop special valuation methodologies for specific categories of assets, taking into account the requirements and principles enshrined in the Law of Ukraine "On Administrative Procedure". The adoption of this law has introduced unified approaches to the implementation of administrative procedures across all areas of public administration, including valuation activity, which in turn requires their specification for particular contexts. For example, valuation of military property must reflect the legal regime of martial law and the specific nature of defence assets, including restrictions on access to information constituting state secrets. Valuation of assets in bankruptcy or preventive restructuring proceedings must be conducted in line with the principles of fairness, proportionality, and consideration of the interests of all parties as defined by administrative legislation. In the sphere of privatisation of state property, administrative procedures involve the participation of several public authorities, valuation entities and the public, which necessitates alignment of procedural aspects of valuation with the principles of openness, officiality, and reasoned administrative decision-making. Accordingly, each of these areas requires the development of specific guidelines on the application of general valuation principles within the framework of administrative procedures established by law, which constitutes a strategic task for the professional community and state regulators.

In this context, the issue of balancing procedural guarantees for valuers with the need for the regulator to respond promptly to violations of valuation legislation becomes particularly important. The Law of Ukraine "On Administrative Procedure" sets out detailed requirements for proceedings on the adoption of administrative acts, including time limits for considering applications, informing the parties about the course of proceedings, providing opportunities to submit explanations and evidence, and issuing reasoned decisions [9]. Compliance with these requirements is a key safeguard against arbitrary actions by the regulator; however, it simultaneously creates additional procedural burdens for the State Property Fund of Ukraine and may lengthen decision-making timeframes. In situations where it is necessary to promptly suspend the activities of a bad-faith valuer who systematically violates valuation standards and harms the interests of clients and third parties, procedural guarantees may be perceived as an obstacle to effective state supervision. This calls for an appropriate balance between procedural fairness and the efficiency of administrative regulation.

Researchers, including V. Tymoshchuk, note that although the reform of administrative procedure is progressive, it also creates risks of bureaucratisation in sectors characterised by broad discretionary powers, such as property valuation, where extensive regulatory discretion may come into tension with the principle of timeliness [17].

A separate place is occupied by the standard of reasoning. Previously, review bodies often limited themselves to formulaic references to "non-compliance with valuation standards"; now the Law on Administrative Procedure requires extensive reasoning: indicating factual grounds (which specific norms and standards were breached, what discrepancies in approaches were identified, why the chosen method fails to ensure reliability) and legal grounds (specific provisions of standards, laws and by-laws). Such reasoning not only strengthens the procedural rights of the addressee of the act but also improves the quality of reviewing practice itself. As the scientific and practical commentary notes, the duty to provide reasons is the "core" of the lawfulness of an administrative act; it "forces" the administration to demonstrate the logic of weighing evidence [7]. This is particularly important in fields with a high share of expert judgment, including valuation.

The changes also affect the status and practices of professional self-governance in valuation. Even where decisions are taken by qualification or review bodies operating under the SPFU, they constitute authoritative individual acts. The Law on Administrative Procedure "aligns" them with a unified integrity standard for the process: prevention of conflicts of interest, prohibition of arbitrariness, requirements of proper documentation, access to materials, and appropriate notification of participants. This constrains "closed" models of disciplinary proceedings and review, making them more inclusive. In this sense, the law becomes not only a safeguard for valuers, but also an instrument for strengthening trust in valuation findings relied upon by public authorities in property-related decision-making.

Equally significant is the "cultural" shift. Scholars rightly emphasise that the Law on Administrative Procedure is not only a "procedural statute" but also a "code of conduct" for public administration: it promotes service orientation, mutual trust, and good governance. For the valuation market, this entails a reorientation of the interaction between the SPFU and economic actors from a "supervisory" to a "service-oriented" model: from directive control to institutional partnership, where the goal is a high-quality, reproducible and well-founded valuation outcome rather than the number of formal refusals. This shift does not abolish control, but renders it reasonable and proportionate, which, according to commentators on the law, is a key factor in the robustness of administrative acts and in strengthening public trust in the state [7].

At the same time, the implementation of the Law on Administrative Procedure (LAP) in the valuation sector reveals a number of practical challenges. First, the alignment of numerous by-laws of the State Property Fund of Ukraine (SPFU) – from regulations on maintaining the Unified Database to rules on reviewing valuation reports – requires methodological work and staff training to ensure that the "letter of the LAP" does not remain merely declarative. Second, the proper reasoning of decisions and the guarantee of the right to be heard increase the workload for reviewers and commissions; in the short term, this may slow down proceedings, but in the long term it improves their quality and reduces the number of appeals. Third, electronic services must, in practice, record all procedural events (submission of documents, requests for information, notifications); otherwise, digitalisation does not translate into procedural safeguards. Finally, a sustained dialogue with the professional valuation community and an update of national valuation standards are necessary so that "procedure" and "methodology" mutually reinforce one another.

It is also important to note that the content of the Law of Ukraine on Valuation is evolving: in 2024–2025 active discussions took place on a complete overhaul of the sectoral regulation (including the introduction of new draft laws), and several versions of the law were recorded in the official database during this period. Under such conditions, the LAP functions as a "stabiliser": even when special norms fluctuate, the procedure by which the administration adopts its decisions remains unified and predictable. For market participants, this serves as insurance against regulatory "surfing", where changes to a by-law could previously radically affect review practices or the issuance of electronic valuation certificates. Now any such change must pass through the LAP "filter": whether participation rights are respected, whether the act is sufficiently reasoned, whether the interference is proportionate, and whether an effective administrative remedy is provided.

Thus, firstly, the LAP has already institutionalised the right of valuers, clients and interested parties to be full participants in administrative proceedings before the SPFU, including access to the case file and the right to be heard before an adverse decision is taken (for example, the adoption of a negative review with authoritative consequences). Secondly, it has obliged the administration to provide reasons for its decisions and standardised notifications and time limits, making practices of report review and registration more predictable. Thirdly, the LAP has unified administrative appeals: a 30-day time limit, clear requirements for the complaint, rules on its examination and the duty to provide reasoning, which significantly enhances the effectiveness of pre-trial protection. Fourthly, it has "digitised" procedures: the SPFU's electronic services now operate not only technologically, but also procedurally, as administrative proceedings resulting in legally significant acts. Finally, the LAP has raised the standard of procedural legitimacy in public property-related decisions for which valuation constitutes the intellectual foundation – from organising privatisations to determining compensation in cases of expropriation.

One should also note the shift in the "language" of the special law. Following the adoption of the LAP, sectoral provisions increasingly refer to its institutions rather than creating parallel procedural frameworks. The official versions of the Law of Ukraine on Valuation published in the database of the Verkhovna Rada expressly link amendments to the consolidated version of the law as amended by Law No. 4017-IX of 10 October 2024 [10], which is direct confirmation of the "legal overlay" of the LAP on special regulation. This is not merely "codification cosmetics" but a political signal: the valuation market no longer exists under a "departmental dome" but is integrated into the general system of administrative safeguards.

5. Conclusions.

The Law on Administrative Procedure marks a new stage in the interaction between state authorities and society, where the primary resource is no longer coercive power but procedural trust. Transposed to the field of valuation, this yields the following thesis: high-quality valuation of property and property rights is not only a matter of correctly choosing an approach and collecting market data; it is also the result of a proper administrative procedure in which the review (recension) is not a "punitive verdict" but an element of professional dialogue structured in accordance with the Law on Administrative Procedure.

The purpose of this Law – to establish transparent rules of interaction between the state, citizens and business – is already transforming valuation activity in Ukraine. It changes the logic of communication within the State Property Fund of Ukraine, unifies procedures, and improves the quality of administrative acts that rely on valuation. In the coming years, further "embedding" of these standards into practice can be expected – through the revision of by-laws, adaptation of electronic services, training of reviewers and commission members, as well as through the development of judicial practice, which will entrench new procedural "red lines".

All parties benefit: the state – through more robust and transparent decisions; the market – through greater procedural predictability; citizens and businesses – through enhanced protection of their rights in administrative proceedings where valuation of property and property rights is a key element. Thus, the Law on Administrative Procedure has already become, and will increasingly function as, a "meta-norm" for the valuation of property and property rights – a norm that does not define the calculation formulas or adjustment coefficients, but fundamentally enhances the reliability and legitimacy of the entire valuation system.

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ANTI-CORRUPTION LEGISLATION IN THE ROMANO-GERMANIAN LEGAL FAMILY: A COMPARATIVE APPROACH

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DOI: https://doi.org/10.61345/1339-7915.2025.4.26

Annotation. The article contains a detailed comparative analysis of anti-corruption legislation in countries belonging to the Romano-Germanic legal family. It highlights and discusses the main approaches to the formation of the regulatory framework for corruption, as well as the common features and peculiarities of legislative regulation in various jurisdictions of continental law. Considerable attention is paid to the structure of anti-corruption legislation, which demonstrates a codified approach and hierarchy in the construction of regulatory acts.

Institutional mechanisms ensure the implementation of anti-corruption legislation, including specialised anti-corruption bodies, their powers and interaction with other elements of the law enforcement system. The experience of Germany, France, Italy, Spain and other European countries in creating effective organisational structures to combat corruption is analysed.

The results of the study identify the main trends in the further strengthening of anti-corruption legislation in countries of the Romano-Germanic legal family. These trends are defined as strengthening the preventive component in further development, digitisation of control mechanisms and expansion of international cooperation.

Key words: anti-corruption legislation, fight against corruption, preventive mechanisms, specialized anti-corruption bodies, codification, international legal standards, conflict of interest, declaration of income, sanctions for corruption offenses, continental law (Romano-Germanic legal family), institutional mechanisms, legal regulation, comparative analysis.

1. Introduction.

Corruption remains one of the most serious threats to a modern democratic state, as it undermines the foundations of the rule of law, reduces the efficiency of public administration and negatively affects the economic development of society. In countries of the Romano - Germanic legal family , which are characterized by a high level of legislative effectiveness and systematization of legal norms, the issue of forming effective anti-corruption legislation acquires particular importance.

The relevance of the study is due to the need for a comprehensive analysis of legal mechanisms for combating corruption in the context of the continental legal tradition , which will allow identifying both successful practices and systemic shortcomings in the legislative regulation of this area. Transformational processes taking place in the modern world, in particular, the globalization of the economy, the digitalization of public services and the strengthening of international integration, create new challenges for the anti-corruption policy of states.

Corruption schemes are becoming transnational, which requires the countries of the Romano - Germanic legal family to adapt their national legislation to international standards and ensure effective interstate cooperation. At the same time, the peculiarities of the continental legal system, where written law and a clear hierarchy of regulatory legal acts dominate, create specific conditions for the implementation of international anti-corruption conventions and recommendations, which requires separate scientific understanding.

The European Union, which consists mainly of states with a Romano - Germanic legal tradition, is actively developing common approaches to combating corruption, which is reflected in the regulations

and recommendations of the EU institutions. The processes of European integration require member states and candidate states to harmonize national legislation with European standards, implement unified mechanisms for preventing corruption and create effective institutional structures. The study of the specifics of the implementation of these requirements in the context of the Romano -Germanic legal system is relevant both for the theoretical understanding of the processes of legal convergence and for the practical improvement of national anti-corruption systems.

A significant number of countries of Romano - Germanic law are at different stages of democratic transformation and the fight against corruption, which creates unique opportunities for a comparative analysis of the effectiveness of different models of anti-corruption legislation. The experience of such states as Germany, France, Sweden, the Netherlands demonstrates high rates of success in combating corruption, while other countries of the continental legal tradition continue to face significant challenges in this area of studying the factors that determine the effectiveness of anti-corruption legislation . Analysis of institutional mechanisms and law enforcement practice will allow the formation of scientifically sound recommendations for countries seeking to improve their own anti-corruption systems.

Research material and methods. The methodological basis of the study is formed by a comprehensive approach, general scientific and special-legal methods of cognition. The country's anti-corruption legislation belongs to the Romano -Germanic legal family, therefore, using dialectical materialism, it was considered in the dynamics of its development and revealed the patterns of transformation of legal norms under the influence of socio-economic and political factors. Anti-corruption legislation was studied as a holistic system of related elements, within which it is possible to determine the hierarchical relationships between regulatory acts of different levels, as well as the role of each component in the general mechanism of combating corruption. The detailed analysis carried out taking into account the specifics of the institution allows for further generalizations of the results obtained when formulating holistic theoretical constructs.

The comparative method was crucial for achieving the goal of this study, which allowed for a comparative legal analysis of anti-corruption legislation in different countries belonging to the Romano - Germanic legal tradition. This method revealed similarities and differences in the legal regulation of anti-corruption measures, as well as specific national features of the implementation of international anti-corruption standards. Analysis of the content of regulatory legal acts, interpretation of legal norms, analysis of legal terminology and determination of technical and legal features of the construction of anti-corruption norms were carried out using the formal-legal method. The genesis of anti-corruption legislation was studied using the historical-legal method, which also contributed to understanding the different phases of its passage from primary criminal law prohibitions to modern comprehensive prevention systems.

The empirical basis of the study is made up of regulatory and legal acts of the countries of the Romano - Germanic legal family on the fight against corruption, international conventions and treaties on corruption, court materials, as well as reports of special bodies dealing with corruption issues.

The results were obtained using the statistical analysis method used to process quantitative indicators of the effectiveness of anti-corruption legislation in assessing the dynamics of both corruption-related offenses and the effectiveness of regulatory bodies. The sociological method was used to analyze public opinion regarding the level of trust in state institutions and confidence in effective measures taken against corruption. The application allowed us to draw conclusions regarding the prospects for developing relevant norms within this family, taking into account modern challenges and trends in globalization legal regulation.

2. Analysis of recent research and publications.

The issue of anti-corruption legislation in the countries of the Romano - Germanic legal family attracts considerable attention from domestic and foreign scholars, which is reflected in numerous monographic studies, scientific articles and analytical reviews. Fundamental research into the conceptual foundations of combating corruption was carried out by (Bondarenko, Tymoshenko**,** 2024: 127-139) , who analyzed the criminal-legal aspects of the fight against corruption, (Onishchenko, Suniehin, 2018: 261) , who investigated the specifics of the qualification of corruption crimes of civil servants, and (Persson, Rothstein, Teorell, 2013: 449–471), who focused on preventive mechanisms of anti-corruption policy. Among foreign scholars, a significant contribution to the development

of theoretical foundations of anti-corruption legislation was made by (Matei, Matei, 2011: 23), who developed a mathematical model of corruption, (Mamo, Ayele, Teklu, 2024: 5), who studied the economic aspects of corruption relations, and (Deneha, Chornyi, Shevchuk, Mentukh, 2023: 1-19), who analyzed the political dimensions of corruption in European countries.

Comparative studies of anti-corruption legislation in continental European countries are presented in the works of (Коломоєць, 2002: 60 – 62) , who carried out a comparative analysis of the administrative and legal principles of combating corruption, (Мазаракі, Мельник, 2023: 4 – 33), who studied the experience of European countries in the formation of anti-corruption institutions, and (Шевчук, 2021: 282–287), who studied the mechanisms of implementation of international anti-corruption standards. Considerable attention to the institutional aspects of the fight against corruption was paid by (Шатрава, 2023: 348-353), who analyzed the organizational and legal principles of the activities of anti-corruption bodies in EU countries, and (Хавронюк, 2025: 50) who developed conceptual approaches to the formation of specialized anti-corruption institutions in the context of the Romano-Germanic legal tradition.

Despite the significant number of scientific works devoted to individual aspects of anti-corruption legislation, there is no comprehensive study that would systematically cover the role and significance of anti-corruption legislation in the countries of the Romano-Germanic legal family, taking into account the specifics of the continental legal tradition. Most studies focus either on individual countries or on specific institutions of anti-corruption legislation, which does not allow forming a holistic picture of the system of legal regulation of combating corruption in the context of Romano -Germanic law. In addition, the dynamic development of anti-corruption legislation, the emergence of new challenges associated with digital transformation and transnationalization of corruption schemes, require constant scientific monitoring and rethinking of existing approaches, which necessitates the need for an up-to-date comprehensive study of this issue.

3. The purpose of the article is a comprehensive study of the anti-corruption legislation of the countries of the Romano -Germanic legal family, determining its role in the formation of an effective system of combating and preventing corruption, establishing its importance for ensuring the rule of law and democratic development of the state . The study is aimed at identifying specific features of the regulatory and legal regulation of anti-corruption activities in continental law countries, analyzing the mechanisms of codification and systematization of anti-corruption norms, as well as determining the effectiveness of legislative approaches to the criminalization of corrupt acts and establishing responsibility for them.

A separate task is to study the institutional architecture of anti-corruption bodies in states of the Romano-Germanic legal tradition, their powers, mechanisms for ensuring independence and interaction with other elements of the justice system.

An additional objective of the work is to conduct a corporate analysis of the anti-corruption legislation of the leading countries of the Romano-Germanic legal system in order to identify successful practices and identify problematic aspects of legal regulation that require improvement. The study involves assessing the degree of implementation of international legal standards for combating corruption in the national legislation of the states of the continental legal system, analyzing the influence of European law on the formation of unified approaches to combating corruption and identifying trends in the harmonization of anti-corruption norms. Based on the analysis, it is planned to formulate scientifically substantiated conclusions on promising areas for the development of anti-corruption legislation in the countries of the Romano-Germanic legal family and develop practical recommendations for increasing the effectiveness of legal mechanisms for preventing and combating corruption, taking into account the modern challenges of globalization and the civilization of social relations.

4. Results and discussion.

The anti-corruption legislation of the countries of the Romano -Germanic legal family is characterized by a high level of systematization and codification of legal norms, which reflects the general principles of the continental legal tradition. In accordance with the provisions of the United Nations Convention against Corruption of October 31, 2003 (United Nations Convention against Corruption) the participating

states undertake to develop and implement an effective coordinated policy to combat corruption, which is reflected in national anti-corruption strategies and legislative acts. In the countries of the Romano - Germanic legal family, anti-corruption regulation traditionally includes criminal law, administrative law and civil law mechanisms, which together form a comprehensive system of combating corruption.

Review

The main anti-corruption norms are enshrined in criminal codes, laws on civil service, laws on the prevention of corruption, and specialized regulatory legal acts that regulate certain aspects of anti-corruption activities.(Table 1)

Table 1: General characteristics and international legal framework

No.	ASPECT	CHARACTERISTIC	LEGAL ACTS
1	**Common signs**	High level of systematization and codification Continental legal tradition Comprehensive anti-corruption system	Criminal codes Civil Service Laws Laws on the prevention of corruption
2	**Basic international standard**	Commitment to develop an effective coordinated anti-corruption policy	UN Convention against Corruption of 31.10.2003
3	**Regulation mechanisms**	Criminal law Administrative and legal Civil law	National legislation of the participating States
4	**Convention on Criminal Responsibility**	Minimum standards for criminalization: Active and passive bribery Influence trading Laundering the proceeds of corruption	Council of Europe Convention of 27.01.1999
5	**Civil law convention**	Redress mechanisms Whistleblower protection	Council of Europe Convention of 04.11.1999
6	**EU Directive**	Uniform standards of criminal liability for corruption in the field of EU funds	Directive 2017/1371 of 05.07.2017
7	**Principle of criminal law**	Nullum crime sine leg Clear legislative definition of the elements of the crime	Provides legal certainty

Source: compiled by the author based on scientific research materials

The criminal law component of anti-corruption legislation in continental law countries is based on a clear definition of corruption crimes and the establishment of liability for their commission. The Criminal Code of the Federal Republic of Germany (Grundgesetz for die Federal Republic Deutschland) contains separate paragraphs dedicated to corruption in the public sector (§ 331-337), which regulate in detail the liability for receiving and providing undue benefits by officials.

French Criminal Code of 1992 (Code penal French de, 1992) in Chapter II, Section III, Book IV establishes liability for active and passive corruption, abuse of office, and illegal use of public property. A feature of the novel of the Germanic tradition is the application of the principle of nullum crime sine lege , which requires a clear legislative definition of all elements of a corruption crime, which ensures legal certainty and predictability of criminal liability.

The implementation of international legal standards plays a key role in shaping national anti-corruption legislation in civil law countries. The Council of Europe Convention on Criminal Liability of 27 January 1999 established minimum standards for the criminalisation of corrupt acts, including active and passive bribery, trading in influence and laundering of the proceeds of corruption.

The Council of Europe Civil Law Convention on Combating Corruption of 4 November 1999 supplemented the legal framework with mechanisms for compensation for damage caused by corrupt acts and for the protection of the rights of persons reporting corruption .

Directive 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the EU's financial interests established uniform standards of criminal liability for corruption offences in the area of EU funds , which required the adaptation of national legislation of the Member States.

Preventive mechanisms are an important component of the anti-corruption legislation of continental European countries and are aimed at eliminating the conditions conducive to corruption. French law No. 2016-1691 of December 9, 2016 on the fight against corruption and the modernization of economic life (Loi Sapin II) introduced an obligation for small companies to implement compliance programs, establish internal control mechanisms, and conduct anti-corruption audits. The German Anti-Corruption Act (Korruptionsbekämpfungsgesetz, 1997) of 13 August 1997 established restrictions on the acceptance of gifts by public officials, requirements for declaring conflicts of interest, and rotation mechanisms for positions with high corruption risks.

In accordance with the Recommendations of the Group of States against Corruption (GRECO), established by the Council of Europe, the countries of Romano -Germanic law have implemented norms on the financial control of political parties, the transparency of lobbying activities, and the integrity of parliamentarians and judges. (Table 2)

Table 2 : Preventive mechanisms

No.	MECHANISM	COUNTRY	REGULATORY ACT	CONTENT
1	**Corporate compliance**	France	Loi Sapin II dated 09.12.2016 No. 2016-1691	Obligation for large companies: Compliance programs Internal control Anti-corruption audits
2	**Restrictions for civil servants**	Germany	Korruptionsbekämpfungsgesetz dated 13.08.1997	Restrictions on accepting gifts Declaration of conflict of interest Rotation in high-risk positions
3	**Financial control**	Member States of the Council of Europe	GRECO Recommendations	Control of political parties Lobbying transparency Integrity of parliamentarians and judges
4	**Income declaration**	Sweden	Lag oh public employment	High standards of integrity Electronic declaration Public access to data
5	**Disclosure of top management income**	Netherlands	Wet disclosure out public means financed topinkomens	Income information: Senior civil servants Heads of public sector organizations

Source: compiled by the author based on scientific research materials

The institutional architecture of anti-corruption bodies in the countries of the Romano -Germanic legal system is characterized by a variety of organizational models, reflecting the peculiarities of national legal systems and administrative traditions. The French model is represented by the High Authority for Transparency in Public Life (Haute Authority pour the transparency from the life publique) and the National Anti-Corruption Prosecutor's Office (Parquet national financier), is based on the specialization of functions between different institutions. Germany uses a decentralized model where anti-corruption functions are divided between the federal police (Bundeskriminalamt), the federal prosecutor's office and special units of the states, which corresponds to the federal structure of the state. The Italian Anti-Corruption Authority (Autorità National Anticorruzione) combines preventive and repressive functions, monitoring public procurement , verifying declarations and coordinating anti-corruption policies at the national level. (Table 3)

Table 3 : Institutional architecture of anti-corruption bodies

COUNTRY	MODEL	BODIES	FUNCTIONS
France	Specialized	High Authority pour the transparency from the life public Parquet national financier	Specialization of functions between institutions Transparency of public life Financial Prosecutor's Office
Germany	Decentralized (federal)	Bundeskriminalamt (Federal Police) Federal Prosecutor's Office Land divisions	Distribution of functions according to the federal structure
Italy	Integrated	Authority National Anti-corruption	Combination of preventive and repressive functions: Procurement monitoring Verification of declarations Policy coordination

Source: compiled by the author based on scientific research materials

The declaration of income and assets of public officials is one of the key preventive instruments in the anti-corruption legislation of civil law countries. In accordance with Article 8 of the UN Convention against Corruption, States Parties shall establish codes and standards of conduct for public officials, including requirements for the declaration of assets, liabilities and interests. The Swedish Civil Service Act (Lag oh public anställning) sets high standards of integrity for public officials, and the electronic declaration system provides public access to information on the income and assets of officials.

The Dutch model is enshrined in the Act on Notification and Publication of Additional Revenue and Civil Service Functions (Wet disclosure out public means financed topinkomens), provides for the publication of information on the income of top civil servants and heads of public sector organizations, which ensures public control over their wealth.

International cooperation in the field of combating corruption is of particular importance in the context of globalization and transnationalization of corruption schemes. The UN Convention against Corruption in Chapter IV establishes mechanisms for international cooperation, including extradition, mutual legal assistance, transfer of criminal proceedings and joint investigations. The European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and its additional protocols create a legal framework for cooperation between countries of the Romano - Germanic legal system in the investigation of corruption crimes. Regulation (EU) 2017/1939 of the European Parliament and of the Council of 12 October 2017 on enhanced cooperation on the establishment of the European Public Prosecutor's Office established a supranational body to investigate crimes against the financial interests of the EU, including corruption offences, which is an unprecedented step in the development of European criminal law.

Whistleblower protection is an important element of anti-corruption policy that ensures the detection of corruption schemes and the involvement of the public in the fight against corruption. Article 33 of the UN Convention against Corruption establishes the obligation of the State to protect against intimidation any person who, in good faith and on reasonable grounds, reports to the competent authority facts of corruption. Directive 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons reporting on breaches of the law established minimum standards for the protection of whistleblowers, including the establishment of safe channels of reporting, the prohibition of retaliation and the guarantee of confidentiality. The German Whistleblower Protection Act (Hinweisgeberschutzgesetz) of June 2, 2023 implemented the requirements of the EU directive, establishing an obligation for organizations with more than 50 employees to establish internal channels for reporting violations and to ensure the protection of whistleblowers from dismissal, discrimination and other forms of retaliation.

The effectiveness of anti-corruption legislation depends to a large extent on the independence of the judiciary and the objective handling of corruption cases. Recommendation Rec (2000)10 of the Committee of Ministers of the Council of Europe to member states on codes of conduct for public officials sets out standards of ethical conduct and mechanisms for holding accountable for their violations. The German Act on the Status of Judges (Deutsches Richtergesetz) guarantees the independence of judges, establishes high qualifications and requirements for candidates for judicial positions. The French system of specialized financial courts including the national financial court (Cour from discipline budgetary and financière) , provides qualified consideration of corruption cases in the public sector. The Italian practice of creating special anti-corruption prosecutors' offices demonstrates the effectiveness of specialization in combating organized forms of corruption, which was reflected in the successful investigations of cases of Operation Clean Hands (Mani Pulite) in the 1990s.

Digitalization of anti-corruption mechanisms opens up new opportunities for increasing the effectiveness of combating corruption through the use of modern information technologies. E-government, which is actively being implemented in countries with a Romano - Germanic legal system , reduces the level of direct contact between citizens and civil servants, which minimizes the possibility of corruption abuses. The Estonian e- Government system , which ensures the provision of 99% of public services electronically, demonstrates that digital technologies can radically reduce corruption risks. The Swedish platform Öppna Data Sverige provides open access to government data, allowing civil society to monitor the use of public funds. Artificial intelligence system and big data analytics , which are implemented by anti-corruption authorities to detect illicit enrichment, through the analysis of declarations and the identification of discrepancies between declared income and actual living standards. They open up new prospects for preventive work, although they require the development of regulatory and legal mechanisms for the protection of personal data and ensuring a balance between the effectiveness of control and human rights.

5. Conclusions.

Conducting a study of anti-corruption legislation in the countries of the Romano – Germanic legal system allows us to assert that the continental legal tradition creates favorable conditions for the formation of a comprehensive and systematized regulatory and legal system for combating corruption, the principles of codification and hierarchy of legal norms, as well as the principles of the rule of law and legality, characteristic of the Romano - Germanic legal system, provide a clear definition of the components of corruption offenses, mechanisms for their detection and bringing to justice the guilty.

Analysis of the legislation of leading European countries, in particular France, Germany, the Netherlands, Sweden and Italy, has shown that the effectiveness of anti-corruption policy depends not only on the quality of legislative norms but also on the proper functioning of the institutional system of judicial independence, transparency of public administration and active participation of civil society. Monitoring the activities of public institutions, implementation of international legal standards enshrined in the UN Convention against Corruption, Council of Europe conventions and European Union directives played a key role in organizing anti-corruption legislation in countries with the Romano - Germanic legal system and forming unified approaches to the criminalization of corrupt acts.

The processes of European integration have stimulated the countries of continental law to raise the standards of combating corruption, introduce transparent mechanisms of public administration and create effective systems of international cooperation in the investigation of transnational corruption schemes. The creation of the European Prosecutor's Office and the development of mechanisms of interaction of mutual legal assistance demonstrate the tendency towards supranational regulation of combating corruption, which requires further adaptation of national legal systems to European standards and ensuring a balance between the sovereignty of states and the need to effectively combat corruption at the international level.

Preventive mechanisms that constitute an important component of anti-corruption legislation in countries with a Romano - Germanic legal system include a system for declaring income and property of public officials, resolving conflicts of interest, codes of ethics, and restrictions on accepting gifts. The institutional architecture of anti-corruption bodies in continental European countries is characterized by a variety of organizational models that reflect the characteristics of national administrative systems.

The analysis revealed both centralized models and the creation of specialized anti-corruption agencies with broad powers, and decentralized systems where the functions of combating corruption are distributed between different institutions. The key factors for the success of anti-corruption bodies are their functional and financial independence, the availability of sufficient resources and powers to effectively perform their tasks, professional selection of personnel and protection from political interference. The experience of Italy and France demonstrates the importance of coordinating different anti-corruption institutions, preventing duplication of powers and ensuring effective interaction between law enforcement, judicial and supervisory bodies in the process of identifying, investigating and punishing persons who have committed corruption offenses.

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CONTRACTUAL RELATIONS REGARDING THE USE OF OBJECTS IN THE FASHION INDUSTRY

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DOI: https://doi.org/10.61345/1339-7915.2025.4.27

Annotation. This article examines the legal regulation of contractual relations in the fashion industry, one of the key sectors of the creative economy, where intellectual property constitutes the primary asset and source of commercial value. The fashion industry encompasses the production, promotion, and sale of clothing, accessories, cosmetics, and other fashion-related goods, which requires comprehensive legal support. The study focuses on the significance of contractual models governing relationships between designers, brands, manufacturers, and distributors, as well as the specifics of license agreements and franchise agreements.

The article emphasizes that contracts in the fashion industry are not merely formal instruments for structuring legal relations but also serve as key mechanisms for commercializing creative outputs. Particular attention is paid to contracts involving the use of intellectual property rights, including copyrights, industrial designs, trademarks, patents, and other intellectual property objects. License agreements in the fashion sector are analyzed in detail, including mandatory provisions such as the subject of the license, exclusivity, territorial scope, duration, royalties, compliance with brand standards, sublicensing, restrictions on design modifications, and more. Examples of licenses used by prominent global brands such as Gucci, Louis Vuitton, Nike, and Adidas are provided.

Licensing in the fashion industry is shown to be a strategic tool for market expansion, product line diversification, and revenue generation. In the Ukrainian legal context, the absence of specialized legislation addressing the specifics of the fashion industry is noted. Despite the existence of general norms in the Civil and Commercial Codes, legal regulation remains fragmented and insufficiently adapted to the dynamic and global nature of the industry, creating risks for market participants, complicating rights protection, and fostering legal uncertainty.

The article concludes by highlighting the need for developing specialized legal recommendations, standardized contractual models, and improvements in legislation governing the fashion business.

Key words: intellectual property, contractual relations, fashion industry, license agreement, franchise agreement, trademark, brand use, legal protection of design, legal relations in the fashion sector.

1. Introduction.

The fashion industry is one of the most dynamic and creative sectors of the modern economy, integrating elements of art, culture, design, and business. A significant portion of the value of fashion products lies not in their physical characteristics but in intangible assets such as designs, brands, and unique stylistic solutions. Consequently, intellectual property objects – including industrial designs, trademarks, copyrights, know-how, and commercial names – play a key role in the activities of designers and fashion brands.

Contractual relations play an increasingly important role in ensuring the legal use, transfer, and commercialization of rights to these objects, including license agreements, franchise agreements, confidentiality agreements, and comprehensive agreements for protecting creative outputs. In practice, the conclusion of such agreements often encounters legal conflicts, the absence of appropriate contractual models, and challenges in protecting the parties' rights, particularly in cross-

border contexts.

Given Ukraine's European integration course, studying contractual relations in the fashion industry contributes to harmonizing national legislation with European standards, which is vital for Ukrainian fashion brands entering international markets. Considering the significant contribution of creative potential to modern economies, legal regulation of the fashion industry has both theoretical and practical importance.

2. Literature review.

Various Ukrainian scholars have explored aspects of contractual regulation of objects in the fashion industry, including H. Androshchuk, M. Bychkivska, V. Hryshkin, K. Ivanova, I. Zaitseva-Kalaur, A. Kyrylyuk, O. Koval, Yu. Kuznetsova, V. Liakhov, Ye. Nedohibchenko, B. Paduchak, O. Pluta, N. Samolova, N. Fedorova, V. Fomishina, O. Cherniak, and others.

Despite the rapid development of the fashion industry in Ukraine and globally, contractual regulation of legal relations in this sector remains under-researched in national legal doctrine. The lack of specialized legislation tailored to the fashion industry results in fragmented legal regulation. Comprehensive studies on the legal nature of contracts in the fashion industry, cross-border aspects, and other related topics are limited. Legal relations are primarily governed by general civil and commercial law principles, which often fail to account for the specific characteristics of the fashion sector, including the creative process, product seasonality, and the commercial value of aesthetics.

Additional unresolved issues include the legal formalization of authorship, defining the scope of rights transferred under contracts, and the legal consequences of breaching obligations. Problems such as counterfeiting, unfair competition, and inadequate protection of objects outside traditional intellectual property categories are particularly pressing.

3. The aim of this article

3. The aim of this article is to examine contractual mechanisms for using intellectual property objects in the fashion industry and to identify the peculiarities of their legal regulation in the context of the sector's contemporary development.

4. Presentation of the main material.

The fashion industry encompasses the production, distribution, and commercialization of clothing, accessories, cosmetics, and other fashion goods. Legally, it is a complex sector integrating civil, labor, commercial, and intellectual property law. In civil law terms, the fashion industry is characterized by the critical importance of protecting creative outputs. Intellectual property is a key resource determining market competitiveness. Creativity and innovation form the basis of product value, underscoring the need for legal protection of intellectual assets. Contractual models in the fashion industry are crucial for balancing creators' rights (designers, brands) with the opportunities for commercialization, use, and promotion of products. The main types of contracts, their specificities regarding intellectual property law, common challenges, and key conditions to be explicitly stated are analyzed below.

Intellectual products such as designs, brands, trademarks, and copyrights are not only legal objects but also high-value assets. Legal regulation must therefore consider the creative process, rapidly changing trends, and globalization. This study focuses on general contract characteristics in the fashion industry, along with license agreements and franchise agreements.

As O. Pluta notes, "A modern fashion company can operate in various organizational and legal forms, from sole proprietorships to multinational conglomerates, requiring diverse approaches to the legal structuring of business relations, primarily through contractual frameworks. The differentiated nature of the fashion industry necessitates numerous civil-law agreements with designers, marketing agencies, distributors, etc."

Contracts in the fashion industry are legal transactions between participants (designers, manufacturers, retailers, distributors) aimed at regulating the use of products, intellectual property, or services related to the production and sale of fashion products. Their content governs the rights and obligations of parties in the creation, production, distribution, and commercialization of fashion products-clothing, footwear, accessories, jewelry, decorative elements, and more. These agreements often include provisions on intellectual property rights management, use of production facilities, marketing strategies, and ethical production standards.

M. Bychkivska highlights that "there is a temporal and structural gap between the creation of designer solutions in fashion houses and their market release, requiring adaptation of the consumer sector to new trends. Professional distributors and branded stores play a crucial role by selecting commercially promising items from designer collections to establish market presence."

License agreements and franchise agreements are widespread in the fashion industry, serving as primary mechanisms for legally transferring intellectual property rights. They specify conditions for rights transfer, including duration, territory, usage methods, restrictions, royalties, quality standards, control mechanisms, and party responsibilities.

In Ukraine, according to Article 1107 of the Civil Code of Ukraine, "The exercise of property rights in intellectual property is carried out through license agreements, agreements on the transfer of exclusive rights, and other contracts for using intellectual property rights." Similar provisions exist in Chapter 16 of the Commercial Code of Ukraine.

As K. Ivanova notes, "A distinguishing feature of a license agreement is that the holder of property rights to an intellectual property object is already known at the time of contract conclusion, unlike agreements on service-related objects, where the rights holder is initially established." She also emphasizes the need to clearly define conditions for technology use, territorial scope, sublicensing, and field of application.

A license agreement in the fashion industry is a primary method of exercising intellectual property rights. It is concluded between the rights holder (designer company or brand) and a counterparty granted the right to use a trademark, design, copyright, or technology within a defined territory, period, and scope. Key provisions include exclusivity, royalty terms, duration, territorial restrictions, product quality requirements, brand standards, sublicensing, and grounds for termination or revocation.

License agreements are closely linked to product seasonality, rapidly changing trends, global competition, and the need to maintain brand image. They are often international, governed by private international law, and may involve foreign law as the governing system. Licensing enables brands to scale operations, expand product lines, and optimize investments while maintaining brand control. Global brands like Gucci, Louis Vuitton, and Nike actively use license agreements to produce goods beyond their core assortment (perfumes, eyewear, home goods), generating additional revenue while retaining brand oversight.

Franchise agreements also play a significant role, transferring a comprehensive bundle of rights, including trademarks, technology, design, service standards, and marketing tools. This model effectively scales business and facilitates entry into new markets. For franchisors, it reduces operational costs; for franchisees, it provides access to a well-known brand. M. Bychkivska notes that despite licensing efficiency, market participants increasingly prefer the franchising model for business expansion, integrating brand, marketing, and organizational strategies while scaling without opening new branches.

Franchise agreements in the fashion industry are typically international and promote the dissemination of innovation. Terms may vary depending on brand strategy – for example, H&M limits franchising in favor of opening company-owned stores in key markets. Franchising fosters modern business practices, cost optimization, international market integration, advertising efficiency, business process standardization, and profitability.

Thus, forming contractual relations for using intellectual property in the fashion industry requires a systematic approach, given the sector's dynamic and transnational nature. The absence of specialized legislation in Ukraine poses legal challenges, including uncertainty, risks of unfair copying, rights abuse, and underdeveloped contractual practices. Transnational business necessitates consideration

of jurisdictional complexities and international legal regimes, highlighting the need to harmonize contract regulation and align national legislation with international intellectual property standards.

5. Conclusions.

The study of contractual mechanisms for using intellectual property in the fashion industry and their legal regulation under contemporary industry conditions leads to the following conclusions:

Contractual relations regarding intellectual property use in the fashion industry are complex and multifaceted, requiring a systematic regulatory approach.

License agreements are the primary form of transferring intellectual property rights, defining conditions, scope, territory, duration, and parties' rights and obligations, while accounting for seasonal collections and rapidly changing trends.

Franchise agreements transfer comprehensive rights over brand, design, technology, and marketing strategies, representing a complex contractual mechanism requiring careful regulation.

Confidentiality agreements protect trade secrets during collection development, marketing campaigns, and production. Other agreements sublicensing, agency, distribution support the fashion product lifecycle.

In Ukraine, the absence of specialized fashion industry legislation complicates the formation of a unified legal policy. Existing IP-related laws do not reflect the sector's specificity, creating legal uncertainty. Contractual gaps increase the risks of rights violations, unlawful copying, and unfair competition.

The transnational nature of the fashion industry further complicates legal enforcement due to varying market regimes, international treaties, and jurisdictional issues.

Recommendations include developing standardized contracts for the fashion business to avoid common disputes, creating specialized contractual models, improving IP registration and protection procedures, and analyzing relevant case law.

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FINANCING OF PRIVATE HIGHER EDUCATION INSTITUTIONS: ADMINISTRATIVE AND LEGAL FEATURES

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DOI: https://doi.org/10.61345/1339-7915.2025.4.28

Annotation. The article examines the administrative and legal features of financing private higher education institutions, which is an important direction in the development of the modern higher education system of Ukraine. Particular attention is paid to the issues of interaction between private higher education institutions and the state in the process of obtaining financial support, because traditionally the private education sector was considered as one that functions mainly at the expense of founders' funds and tuition fees. However, current trends in the field of educational policy indicate the need to form transparent and fair mechanisms for state funding for all institutions, regardless of their form of ownership, especially in connection with the expansion of social guarantees and support programs for education seekers.

The paper examines the mechanisms of state regulation and control of the activities of private higher education institutions, in particular, licensing of educational programs, accreditation procedures, financial monitoring, compliance with educational standards and transparency of financial reporting. The legal grounds and conditions under which private institutions can apply for state funding are analyzed: participation in budget programs, receipt of funds for the implementation of targeted educational projects, grants, state orders or certificate funding. The procedures for the distribution of financial resources are separately disclosed, emphasizing the need to ensure competition and equality of rights of private higher education institutions compared to public ones.

An important component of the study is the coverage of the specifics of administrative disputes in the field of financing private institutions. In particular, typical conflicts that arise between private HEIs and state authorities regarding the distribution of budget funds, the legality of inspections, appealing the results of accreditation or denial of access to financial programs are considered. The author justifies the need to improve the regulatory framework in order to ensure equal conditions for the functioning of institutions of different forms of ownership, increase the transparency of procedures and minimize the grounds for disputes, which will be a significant step towards the formation of an effective and fair system of financing higher education in Ukraine.

Key words: private higher education institutions, education financing, state regulation, administrative and legal mechanisms, administrative disputes.

1. Introduction.

The development of the higher education system in Ukraine is characterized by the coexistence of state and private higher education institutions, which necessitates the formation of effective administrative and legal mechanisms for their functioning, in particular in matters of financing. Private higher education institutions (hereinafter referred to as HEIs) are an important component of the education system, complementing the state sector and creating a competitive environment in the educational services market.

The issue of financing private HEIs is becoming particularly relevant in the context of reforming the education sector, implementing the principles of autonomy of higher education institutions and diversifying their sources of financing. At the same time, there are certain legislative restrictions and administrative barriers that affect the ability of private HEIs to receive state funding alongside state institutions.

2. Analysis of scientific publications.

Among Ukrainian scholars working on the issue of higher education financing, several key names stand out. Kovalenko Y. together with Vitrenko L. analyze in detail the mechanism of financing HEIs in Ukraine, explore alternative sources of funds and propose models of educational lending and endowment funds. Their work creates an important basis for understanding the financial structure of private and public institutions. Hryhorash O. focuses on comparing private financing in OECD countries and in Ukraine, emphasizing the need to adapt international experience. Her analysis helps to outline the role of private sources in the overall system. Other researchers, such as Yashchuk T., touch on the diversification of HEI income sources, which is key in the context of private universities. Although a significant part of the work is devoted to the general financing system, their conclusions are important for developing adequate models of support for private HEIs in Ukraine.

3. The aim of the work

3. The aim of the work is to study the administrative and legal features of financing private higher education institutions in Ukraine, identify problematic aspects of state regulation and control of their activities, as well as analyze the mechanisms for obtaining state funding and the specifics of administrative disputes in this area.

4. Review and discussion.

State regulation of the activities of private higher education institutions is carried out through a system of regulatory legal acts and administrative procedures that determine the conditions for their creation, functioning and termination of activity. According to the Law of Ukraine «On Higher Education», private higher education institutions are established in the form of private institutions and have equal rights and obligations with state institutions in conducting educational activities [1].

The main subjects of state regulation and control of the activities of private higher education institutions are the Ministry of Education and Science of Ukraine, which forms and implements state policy in the field of higher education, the National Agency for Quality Assurance in Higher Education, which carries out accreditation of educational programs, and the State Education Quality Service, which conducts institutional audits of educational institutions.

A feature of the administrative and legal regulation of the activities of private HEIs is the combination of general requirements for higher education institutions with additional requirements for private institutions. Thus, according to the Law of Ukraine «On Higher Education», private HEIs, in addition to general licensing and accreditation procedures, must also comply with the requirements of the legislation on business companies or public associations, depending on the organizational and legal form of the founder [1].

State control over the activities of private HEIs is carried out through licensing of educational activities, accreditation of educational programs, institutional audit, financial audit and inspections, and monitoring of the quality of education.

It is worth noting that state regulation of the financial and economic activities of private HEIs has certain peculiarities compared to state institutions. In particular, private HEIs have the right to independently determine the sources of financing and directions for the use of funds, but in compliance with the legislation on non-profit organizations, since educational institutions cannot have the goal of making a profit [2].

The legislation of Ukraine establishes certain restrictions on the distribution of income of private HEIs, in particular, prohibits the distribution of received income (profits) or part thereof among founders, employees (except for payment of their labor, calculation of a single social contribution), members of management bodies and other related persons [3]. This creates certain administrative and legal features in the financing of private HEIs, which must direct all received funds to the development of educational activities.

The legislation of Ukraine provides for the possibility of obtaining state funding by private higher education institutions through various mechanisms, the main of which are:

– first, a state order for the training of specialists. According to the Law of Ukraine «On Higher Education», private HEIs can participate in the competition for placing a state order for the training of specialists [1]. The distribution of the state order is carried out on a competitive basis, where the main criteria are the indicators of the quality of the educational activity of the HEI and the demands of the labor market;

– second, financing of scientific and scientific and technical activities. Private HEIs have the right to participate in competitions for receiving grants for conducting scientific research, which are financed from the state budget through the National Research Foundation of Ukraine and other state funds [4];

– third, financing through the «money follows the student» mechanism. This approach assumes that the state finances the education of students, not educational institutions, which allows funds to be directed to those HEIs that are chosen by applicants with the highest external assessment/NMT scores;

– fourth, state support for priority areas of training. Private HEIs can receive targeted state funding for training specialists in specialties that are a priority for the state, in particular in the field of information technology, natural sciences, medicine, etc [5].

However, despite the legislatively enshrined opportunities, in practice private HEIs face certain administrative barriers in accessing state funding. Among the main problems are the lack of transparency in the procedures for distributing state orders, the lack of clear criteria for evaluating tender proposals of private HEIs, the limited amount of state funding, which is mainly directed to supporting state HEIs, and unequal taxation conditions for private and state HEIs.

Administrative and legal features of obtaining state funding by private HEIs include the need to undergo additional procedures, in particular: inclusion in the register of non-profit institutions and organizations; passing financial audit procedures; reporting on the use of state budget funds; compliance with additional requirements for the transparency of financial activities.

The experience of European countries demonstrates more flexible approaches to financing private HEIs. For example, in Poland, the Czech Republic, and Slovakia, private educational institutions receive state funding on a competitive basis, provided that they meet the criteria for the quality of education and that their activities comply with the priorities of the state educational policy [6, p.189]. This approach creates equal conditions for competition between institutions of different forms of ownership and contributes to improving the quality of educational services.

Administrative disputes in the field of financing private higher education institutions are a special category of legal conflicts that arise between private HEIs and state authorities, local governments or other subjects of power on issues of implementing public policy in the field of higher education. The main categories of administrative disputes in the field of financing private HEIs are:

– disputes regarding the distribution of state orders. Private HEIs may appeal the decisions of competition commissions on the distribution of places in state orders if they believe that their rights have been violated or the selection criteria have been applied unevenly [7];

– disputes regarding tax benefits and obligations. Private HEIs, having the status of non-profit organizations, often face problems in their relations with tax authorities regarding the legality of the application of tax benefits [8];

– disputes regarding the targeted use of budget funds. In the case of receiving public funding, private HEIs may be subject to audits by financial control bodies, the results of which are sometimes subject to appeal in administrative courts [9, p.105];

– disputes over licensing and accreditation. Since the possibility of receiving public funding is often linked to the availability of appropriate licenses and accreditations, disputes over these procedures also affect the financial aspects of the activities of private HEIs [10, p. 141].

The administrative and legal features of considering such disputes are that they are considered according to the rules of administrative proceedings, where the burden of proving the legality of decisions, actions or inaction rests with the subject of government authority. This creates certain

procedural advantages for private HEIs compared to considering disputes in the economic judicial procedure. Judicial practice indicates an increase in the number of administrative disputes in the field of financing private HEIs. This is due both to the expansion of opportunities for obtaining state funding and to the ambiguous interpretation of the norms of the legislation regulating these issues [11, p. 369].

An analysis of court decisions shows that most often courts decide in favor of private HEIs in disputes regarding discriminatory conditions of competitions for obtaining state funding; unlawful exclusion from the register of non-profit organizations; groundless refusal to accredit educational programs. At the same time, courts more often support the position of state authorities in disputes regarding the misuse of budget funds; violation of public procurement legislation; failure to comply with licensing conditions.

An important aspect is preventive mechanisms for resolving potential administrative disputes. In particular, private HEIs are recommended to document in detail all processes related to the use of public funding, ensure transparency of financial activities, implement internal financial control systems, and monitor changes in legislation and judicial practice [12, p. 25].

5. Conclusions.

The conducted research allows us to draw the following conclusions regarding the administrative and legal features of financing private higher education institutions:

state regulation and control of the activities of private HEIs is characterized by a combination of general requirements for higher education institutions with additional requirements for private institutions, which creates certain features in their financing. Private HEIs have greater financial autonomy compared to public ones, but with restrictions on the distribution of income and the obligation to comply with the status of a non-profit organization;

mechanisms for obtaining public funding by private HEIs include participation in a competition for placing a state order, receiving grants for scientific activities, financing through the «money follows the student» mechanism, and state support for priority areas of training. However, in practice, private HEIs face administrative barriers in accessing public funding, in particular, insufficient transparency of procedures and unequal conditions of competition with public institutions;

administrative disputes in the field of financing private HEIs are a special category of legal conflicts considered according to the rules of administrative justice. The main categories of such disputes are disputes regarding the distribution of state orders, tax benefits, targeted use of budget funds, licensing and accreditation.

Therefore, in order to improve the administrative and legal regulation of financing private HEIs, it is advisable to introduce more transparent and objective criteria for the distribution of state orders; expand the mechanisms of public-private partnership in the field of higher education; improve the legislation on tax benefits for private HEIs and harmonize domestic legislation with European standards of financing higher education.

The implementation of these proposals will contribute to the creation of equal conditions for the functioning of higher education institutions of different forms of ownership, improving the quality of educational services and the efficiency of using budget funds in the field of higher education.

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TAXES AND HUMAN RIGHTS: HOW TO ENSURE A BALANCE BETWEEN THE STATE AND THE PAYER

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DOI: https://doi.org/10.61345/1339-7915.2025.4.29

Annotation. The article reveals in detail the connection between taxation and human rights in Ukraine, with an emphasis on the balance of interests of the state and taxpayers in the conditions of martial law, introduced in accordance with Presidential Decree No. 64/2022 of February 24, 2022. The constitutional principles are analyzed in accordance with Art. 67 of the Constitution of Ukraine (hereinafter - KU), the principles of tax law, as well as international standards used in the study, namely: Art. 8 of the European Convention on Human Rights. The tax-legal compromise is discussed as a mechanism for regulating taxes between public, social and private interests, by strengthening tax assessment to ensure defense capability, for example: increasing the military levy to 5% from January 1, 2025, resuming inspections for individual entrepreneurs, digitalization and electronic audit in accordance with Laws No. 4113-IX and No. 4536-IX. The risks of rights violations (e.g., the case of Intersplav v. Ukraine, ECHR), proportionality of state intervention, and the need for transparency are highlighted. The conclusions emphasize the need for balance for social stability, with prospects for further research into the impact of reforms on human rights, comparative analysis with countries in conflict, and the role of digitalization in anti-corruption.

Key words: taxation, human rights, martial law, tax compromise, principles of tax law, Tax Code of Ukraine, Constitution of Ukraine, European Convention on Human Rights, military levy, fiscal policy, balance of interests, taxpayers.

1. Introduction.

The problem manifests itself in the conflict between tax pressure from the state during martial law and the protection of human rights, such as property, privacy and justice.

2. Analysis of scientific publications.

The topic of the relationship between taxation and human rights is actively developed in scientific literature. In particular, A. S. Romanova, in her monograph 'Human Existence in the Natural-Legal Space,' considers the natural-legal approach to relations between the state and the individual, emphasising the priority role of the individual. M. P. Kucheryavenko and M. V. Karmalita examine the principles of tax law, including those formed by judicial practice and doctrine, with an emphasis on the balance of private and public interests. I. M. Prots and A. B. Gryshchuk classify the principles of tax law into groups related to the constitutional order, taxpayers' rights and the administrative system. V.A. Vdovichen introduces the concept of a tax-legal compromise as a mechanism for reconciling the interests of the state and taxpayers. In addition, the decisions of the Constitutional Court of Ukraine and the ECHR (the case of Intersplav v. Ukraine) illustrate the practical aspects of rights violations through tax measures. These publications form the theoretical basis of the study, but require further analysis in the context of martial law and digitalisation.

3. The purpose of the work is to analyse the relationship between taxation and human rights in Ukraine under martial law, with the aim of identifying mechanisms to ensure a balance between the interests of the state and taxpayers, including tax-legal compromise, proportionality of intervention

and compliance with international standards. This will allow recommendations to be made to prevent violations of rights and increase the transparency of fiscal policy.

Relevance of the research topic. The relevance of the topic is due to the fact that global changes in the economy are taking place as states increasingly regulate finances, and at the same time, there is growing attention to the protection of human rights at the international level. After the pandemic and due to geopolitical conflicts, such as the war in Ukraine, countries are raising taxes, which leads to conflicts and violations. This is emphasised by the decisions of the UN and the Council of Europe, which refer to proportionality in taxation. In Ukraine, where tax reform is ongoing, this is particularly important for protecting constitutional rights and combating corruption in the fiscal sphere. The research will help develop legal theory and provide practical recommendations for legislators, judges and taxpayers, making it useful for contemporary jurisprudence and practice.

4. Presenting main material.

The relationship between taxation and human rights is an increasingly important area of research, especially given that government fiscal policy intersects with fundamental rights of individual protection. This intersection requires a delicate balance, especially given that taxpayers' rights are, in essence, human rights reinterpreted in a fiscal context. The relationship between the state and the individual is revealed through the prism of the natural law approach. The individual is the primary basis of any social association, and the state merely creates the necessary conditions for its organised existence. Although in the modern world a full life without the state is practically impossible, the leading role in this interaction still belongs to the individual. The ideal model of such relations can be considered one that is based on the principle of equality, but at the same time recognises the priority role and higher value of the individual [1, p. 389].

On 24 February 2022, Presidential Decree No. 64/2022 'On the Introduction of Martial Law in Ukraine' [11] officially introduced martial law in the country. This created a need to strengthen the state's financial capabilities to ensure defence capability and economic stability. To this end, a number of regulatory and legal acts aimed at increasing tax revenues were adopted.

As noted by D. Getmantsev [12, p. 350], increasing the tax burden during martial law is a reasonable step, as it is aimed at ensuring macro-financial stability, covering growing defence costs and supporting the population. The scholar emphasises that proper tax administration and tighter control over tax payments will help reduce the budget deficit. This position should be maintained under martial law, as the state must strike a balance between supporting economic activity and ensuring the stability of the budgetary system. At the same time, it is extremely important to ensure transparency and accountability in the use of tax revenues in order to prevent possible corruption and misuse of financial resources.

According to Part 1 of Article 67 of the Constitution of Ukraine (hereinafter referred to as the CU), it is stipulated that everyone is obliged to pay taxes and fees in the manner and amounts established by law [2]. This emphasises the constitutional obligation, but also restricts the state, since taxes must be lawful and not arbitrary. By Decision of the Constitutional Court of Ukraine No. 15-rp/2009 of 23 June 2009 in the case of the constitutional submission of the President of Ukraine regarding the verification of compliance with the Constitution of Ukraine (constitutionality) of subparagraphs 3.5, 3.6 of paragraph 3 of Article 3 'Final Provisions' of the Law of Ukraine 'On the Customs Tariff of Ukraine' and paragraph 8 of part 2 of Article 9 of the Law of Ukraine 'On Foreign Economic Activity' (case on a temporary surcharge to the current import duty rates), it is stated that the generally recognised elements of the legal mechanism for regulating taxes and fees (mandatory payments) are the taxpayer or payer, the object of taxation, the unit of taxation, the source of payment, the tax rate, the tax period, the terms and procedure for making payments, the tax quota, and tax exemptions [3].

M.P. Kucheryavenko uses the term 'system of principles related to taxation' in his scientific works [4, p. 42]. In his opinion, the principle of tax law is a set of mandatory requirements that determine the main directions of regulation of relations in the field of taxation, while influencing the development of tax law and contributing to the avoidance of legal conflicts.

M.V. Karmalita notes that the principles of tax law are not limited to those enshrined in the Tax Code of Ukraine (hereinafter referred to as the TC of Ukraine), since legal norms are not only found in legislation. In her opinion, the principles of tax law also include those formulated by judicial bodies in the process of law

enforcement or developed within the framework of financial and legal doctrine [5, p. 61]. Such principles ensure compliance with constitutional principles, the realisation of citizens' rights and freedoms, the protection of the interests of legal entities, and consistency with European standards. Some principles are clearly enshrined in tax regulations, while others are formed through interpretation of legislation. They can be of two types: those directly specified in regulatory acts and those derived from their content.

Therefore, considering the above, the legal basis for taxation in Ukraine forms the basis for regulating a specific type of social relations, but there is currently no single approach to classifying the principles of tax law. Thus, I. M. Prots and A. B. Gryshchuk propose dividing these principles into three main groups: those related to the constitutional order; those that guarantee the realisation of taxpayers' rights and freedoms; and those that reflect the foundations of the administrative-territorial structure [4, p. 500].

According to Part 2 of Article 8 of the European Convention on Human Rights (hereinafter referred to as the Convention), special attention is paid to clarifying namely: public authorities may not interfere with the exercise of this right, except where such interference is in accordance with the law and is necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. This means that taxation must be proportionate: not excessive and taking into account the interests of the taxpayer. In particular, Article 4 of the Tax Code of Ukraine emphasises the balance of interests, where taxes cannot violate constitutional rights [8]. An example of a violation of taxpayers' rights is the case of Intersplav v. Ukraine (ECHR, 2007), where the Court found that systematic delays in VAT refunds violated the right to peaceful enjoyment of property (Article 1 of the Convention). This highlights the need for proportionality and transparency in taxation, especially in conditions of increased fiscal pressure, such as during martial law.

It is important to understand the general meaning of the term 'tax.' According to Part 6.1 of Article 6 of the Tax Code of Ukraine, the legislator has determined that this is a mandatory, unconditional payment to the relevant budget or to a single account, which is collected from taxpayers in accordance with this Code [8].

It is also necessary to distinguish between the legitimacy of the interest of the subject of legal relations and the legitimacy of the means by which this interest is realised. Interests can be of different nature, and their legitimacy is not determined by their content or character, but depends on the means of achieving the set goals [9, p. 31]. For example, a person's desire to live in comfortable conditions, have an adequate level of well-being and satisfy their own needs is entirely legitimate. If these goals are achieved through honest work, paying taxes and respecting the rights of others, this is in line with the principles of legality and social norms. At the same time, the same goals can be achieved by illegal means – through tax evasion, concealment of income, or creation of fictitious grounds for obtaining tax benefits. Such actions violate the requirements of the law. Thus, the legal assessment concerns not the interest itself, but the ways and means of its implementation.

According to V. A. Vdovichenko, a tax-legal compromise means resolving conflicts between the state and taxpayers by reconciling their interests. The scholar emphasises that the state and the taxpayer are not opposing parties, as they are united by a common interest — ensuring the effective functioning of the state, in which the taxpayer is an active member of society [10, p. 4]. A tax-legal compromise between the state and taxpayers, as Vdovichen notes, is a kind of 'public agreement' between public and private entities, achieved through social dialogue or individual appeals by taxpayers [10, pp. 4–5]. As a result, a balance is established between the rights and obligations of the parties, which is enshrined in the norms of tax law.

In the field of taxation, there is inevitably a conflict between social, public and private interests. Social interest is linked to the general welfare of the population, public interest to the interests of the state and local communities, while private interest reflects the individual needs of taxpayers.

5. Conclusions.

Thus, taxation is closely linked to human rights, especially in the context of martial law introduced in 2022. Increased fiscal pressure is justified to finance defence needs and maintain economic stability, as noted by D. Getmantsev, However, it requires strict adherence to transparency to prevent corruption and abuse. The Constitution of Ukraine establishes the obligation to pay taxes exclusively in accordance with the law, without arbitrary measures.

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TASKS OF INFORMATION AND CRIMINOLOGICAL SUPPORT FOR POLICE ACTIVITIES

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DOI: https://doi.org/10.61345/1339-7915.2025.4.30

Annotation. The article provides a comprehensive analysis of the tasks of information and criminological support for police activities. The object of the study is social relations in the field of crime prevention as a result of the police performing their functions. The subject of the study is the theoretical foundations, mechanism, content, and forms of information and criminological support for the activities of the National Police in preventing criminal offenses. The methodological basis of the study is based on dialectical and systematic methods of cognition of social phenomena and related criminological patterns. It is noted that information and criminological support for police activities should be understood as the cognitive, creative work of relevant officials, which is research-oriented and aimed at collecting, processing, and issuing information for management needs, identifying positive and negative trends in law enforcement activities using scientific methods, establishing causal links to influence the bodies and units of the National Police in solving the tasks of prevention, detection, and investigation of crimes. Crime prevention by the bodies and units of the National Police is a social process based on the application of special methods and techniques, in accordance with the requirements of legality, knowledge, and skills in regulating social relations, with the aim of eliminating the negative consequences that may lead to the commission of criminal offenses. The specific features of operational and investigative support for police actions to prevent and detect offences under martial law are: a change in the priority tasks and functions of operational and investigative activities; an increase in their number and scope; a change in the temporal and spatial boundaries of operational and investigative support; alignment of the structural framework with the tasks and functions that arise; involvement of additional and interacting forces and means; use of all forms, methods, forces, and means of operational-investigative activities, taking into account the specifics of the operational situation.

Keywords: legality, information, criminology, offenses, operational-investigative activities, prevention.

1. Introduction.

In the current conditions of the country's development, the theory of criminological security should become the basis of state policy in the field of crime control. The development of the idea of criminological security in law enforcement practice should contribute to shifting the focus from the object of attack (crime) to the object of protection (the individual, society, the state), to those values that must be guaranteed by criminological security. This idea is intended to be developed in the system of socio-legal control over crime and to become the basis for the development of a new concept of crime prevention by the police, since preventive control over crime is nothing more than a system of ensuring criminological security in its functional capacity.

2. Analysis of scientific publications.

The issues of information and criminological support for the activities of the National Police of Ukraine have been studied by scientists: D. Afonin, A. Babiak, A. Grygorovych, K. Dovbash, O. Ivanenko, D. Ivashko, I. Katerenchuk, Yu. Kovalenko, A. Movchan, V. Petrenko, S. Petkov, V. Terekhov, I. Fedchak, A. Shevchenko, G. Shorokhova, and others. The development of information and communication technologies and the complexity of the operational situation as a result of martial law necessitate

theoretical and legal research into the tasks of information and criminological support for the activities of the National Police.

3. The purpose of this work is to study the tasks of information and criminological support for police activities.

4. Review and discussion.

The Law «On the National Police» defines the prevention and suppression of offenses as one of the main areas of police activity. Success in combating crime is achieved through the practical application of effective preventive measures, the development of which directly depends on the optimality and adequacy of its criminological support [1]. Criminological support is the collection and analysis of criminologically substantiated and criminologically significant information about patterns, conditions, trends, and forecasts of criminological situations (international, national, regional, and object-specific), aimed at creating scientific prerequisites for optimizing, activating, and improving the effectiveness of police control over crime and its determinants.

The study and assessment of crime and the processes that determine it are carried out in the course of information and analytical support for police activities and criminological research using criminological knowledge. The initial stage of the process of criminological understanding of crime and the processes and phenomena that influence it is information support, which is understood as purposeful activity based on legal, organizational, technical, and methodological prerequisites for the collection, processing, storage, and creation of conditions for the use of information.

Criminological information, being a component of social information, has its own content and characteristics, as it reflects such negative aspects of social reality as offences. Criminological information is understood to mean information about crime and the processes that determine it, as defined by the boundaries of the subject of criminology. Criminological information includes: information about crime as a socio-legal phenomenon, its types and individual crimes, and other offenses; information about crime and the conditions that contribute to it; information about persons who are expected to commit offenses; information about persons who have committed criminal and administrative offenses; information about measures aimed at preventing offenses and their effectiveness.

Criminological information is subject to certain requirements, the main ones being: optimality, reliability, accuracy, timeliness, comprehensiveness, and consistency. Optimal criminological information is understood to be information that, in terms of volume, content, and quality, allows for effective management decisions aimed at neutralizing criminogenic threats in the territory served by the police. Reliability and accuracy the essence of criminological information is that it should objectively reflect the state and processes of the crime prevention system, as well as the state of the external environment with the necessary degree of accuracy. Information is timely when it is needed by law enforcement agencies. The comprehensiveness and systematic nature of information requires that it contain a minimum amount of information on the phenomena being reflected, their interrelationships with other phenomena related to the issue, and systematization and generalization by specific categories and types in accordance with the tasks in the territory of operational service.

The main types of information sources include: statistical reports (Ministry of Internal Affairs of Ukraine, prosecutor's offices, courts [2; 3]); primary statistical records, including those reflecting information about the crime, the person who committed it, and the defendant; indicators of socio-demographic, socio-economic, and other statistics; data on other offenses, alcoholism, and drug addiction contained in state and departmental statistics; materials from criminal proceedings and crime reports; results of public opinion polls on crime and the fight against it; results of studies conducted by criminologists.

In order to obtain a complete picture of crime (taking into account its latent part), the police must use information about crimes and the persons who committed them, contained in: materials on the refusal to initiate criminal proceedings; materials on administrative offenses; in completed, suspended, or terminated criminal proceedings; in records of reports and notifications of crimes,

administrative offenses, incidents, and persons detained and brought to police stations; in materials received from investigative and inquiry bodies and correctional institutions; in operational and preventive records; in documents received from other law enforcement agencies; in materials from state bodies, public associations, and non-governmental structures involved in ensuring security and combating crime; in media materials; in documents received from educational institutions; in materials from insurance organizations, forensic medical examinations and reviews received from healthcare institutions; in materials from tax authorities; in the results of public opinion polls, letters, statements from officials and individual citizens.

This list is not exhaustive, because the criminological information necessary to determine the full picture of crime and the processes that determine it is contained in the records of: materials on administrative offenses; reports received via the «hotline»; materials on decisions to refuse to initiate criminal proceedings; materials on refusals to initiate criminal proceedings, returned for additional verification; offenses committed in public places; traffic accidents; materials from agencies conducting operational and investigative activities.

At the level of the Ministry of Internal Affairs of Ukraine, the National Police, and the Main Directorate of the National Police, one of the main tasks of information support is to compile data characterizing crime as a social phenomenon, information not only about specific individuals who have committed illegal acts, but also about the typological characteristics of offenders, and activities to prevent not only specific offenses, but also negative trends in the status, structure, and dynamics of offenders.

Information systems are actively being created for the purpose of collecting, storing, processing, and transmitting the necessary information. In the police, information systems are classified according to their functional orientation. There are investigative, operational, forensic, and other information systems.

Information work is one of the main stages of criminological support for police activities, which allows for the collection, processing, storage, and provision of the necessary amount of information about the patterns of crime, the determination and causality of crime, and susceptibility to influence.

Analytical work in criminological support for police activities should be understood as cognitive, creative, research-oriented activity that consists of determining the state of the criminogenic situation, identifying negative deviations in it, establishing the causes and conditions that contribute to these deviations, forecasting the possible development of the criminal situation, aimed at developing the most effective management decisions to combat crime. The main goal of analytical work in police activities is to create the conditions for improving the effectiveness of combating crime, which requires studying criminogenic threats and factors contributing to them, as well as shortcomings in the organization of activities to minimize crime in the country, region, district, city, or police precinct.

The types of criminological information to be analyzed and its volume depend on the direction of the study and assessment of the criminogenic situation, and what result is necessary for making a management decision. The analysis of criminological information is carried out in the following areas: studying trends in offences and the factors that cause them, with the aim of obtaining predictive conclusions about possible changes in trends and developing promising measures to strengthen public order, intensify the fight against crime, and improve the activities of the police and its specialized services; a comprehensive analysis of the situation for a quarter, half-year, nine months, and a year, during which the amount of information on the state of public order, crime, and the results of the fight against crime is assessed, taking into account most of the factors that influence the state of crime.

The results of the analysis form the basis for current planning. Ongoing analysis of the situation based on the assessment of daily, ten-day, and monthly information serves the needs of operational management by the authority, allows for adjustments to be made to work plans and the deployment of forces, and enables targeted measures to be taken to combat crime and maintain public order; research into specific issues related to combating crime and maintaining public order.

Indicators include: crime rate; dynamics of crime, specific types of common offenses; structure of crime; territorial distribution of crime and specific types of criminal offenses; level of latent crime; the degree of criminal activity of specific population groups, including minors, women, persons who have previously committed crimes, and persons who do not have a permanent source of income;

victimological aspects of crime; the state of organized and economic crime, illegal trafficking in drugs and weapons; the state of law and order in public places; the state of road safety.

The main tasks of criminological support for police activities should include identifying priority areas for analytical work. Analysis in criminological support for police control over crime must comply with the norms and criteria of scientific knowledge and be aimed at acquiring new knowledge of theoretical, cognitive, and applied significance.

Analytical work, as a function of the management process, performs a number of important functions in studying and assessing the realities of social development that determine the existence of offences, changes in their status, dynamics and structure, and shape the structure and functions of police services and units. The functions primarily include: cognitive, signaling, evaluative, purposeful, and prognostic.

The cognitive function of analytical work is understood as the study and acquisition of reliable knowledge about the essence and characteristics of the processes and phenomena under study that affect crime. The signaling function consists in identifying problematic issues that require priority resolution. The evaluative function emphasizes the exceptional importance of evaluative issues and consists in determining the value of the results of the analysis of facts, processes, and phenomena that influence crime. The targeted function consists in developing, on the basis of analysis, priorities for further action to combat crime. The predictive function is ensured by forecasting the development of major crime trends and the results of the operational activities of police services and units.

Today, in connection with the growing danger of negative phenomena getting out of control of law enforcement agencies, the role and significance of criminological forecasting as one of the elements of criminological support for police control over crime is growing. Criminological forecasting determines the prediction of the possible state, level, structure, nature, and dynamics of crime in the future. This refers to predicting not only the possibilities of change in crime, but also the ways in which it may change.

The subject of criminological forecasting includes: crime, its causes and conditions, the personality of the offender, and the victims of crime. The objects of criminological forecasting can be: crime and its individual types; the possible development of the criminal situation in the territory of operational service; the expected behavior of a person who is on preventive registration. It is particularly worth highlighting the forecasting of the individual criminal behavior of a person prone to committing offenses. Predicting individual criminal behavior allows us to identify individuals who can be expected to commit offenses and to establish the possibility of this individual committing an unlawful act. In order to identify individuals who can be expected to commit offenses, it is advisable to identify specific criminogenic groups of the population based on characteristics such as level of education, profession, social circle, etc.

Practice shows that organizing work on predicting individual criminal behavior in the police reduces juvenile, recidivist, domestic, and other types of crime, thereby positively influencing the crime situation. The first steps to improve the effectiveness of individual prevention with persons who have previously committed crimes have already been taken, as confirmed by the law «On Administrative Supervision of Persons Released from Places of Imprisonment» [4]. However, there are many shortcomings in this area of operational and service activities, as confirmed by the crime situation. The effectiveness of individual prevention largely depends on how correctly and timely its object is selected, and how a set of educational and other measures capable of influencing the positive reorientation of the individual is developed and implemented.

In practice, criminological forecasts are used in the preparation of work plans: the annual plan of the National Police, the Main Directorate of the National Police, police departments and divisions, plans to strengthen the fight against certain types of offenses, and to ensure public order and safety during socio-political and cultural events.

Planning in police agencies is organized in accordance with the order of the Ministry of Internal Affairs of Ukraine «On the organization of planning in the agencies of the National Police of Ukraine» [5]. When planning, the following are analyzed: information characterizing the crime situation and its forecast; quantitative and qualitative indicators of crime; the state of administrative practice and preventive work; the results of police activities for the reporting period; state target programs, decisions of state authorities and local self-government bodies, the highest governing body on

combating crime, protecting public order, property, and ensuring public safety; existing gaps and contradictions in the regulatory and legal regulation of police activities [6].

Management decisions in the form of plans, programs, orders, directives, and instructions aimed at combating and preventing crime must have a criminological content. In addition to measures, these management decisions contain certain mechanisms for monitoring implementation, so studying them in the course of criminological support for police activities allows for continuous criminological monitoring of the targeted and reasonable use of criminological information in practice. Criminological planning is a stage of criminological support for police activities.

The science of criminology should develop practical measures to influence undesirable phenomena that determine crime. In the activities of criminological support for the police, it is crucial to establish the connection between crime, social processes, and phenomena that influence it, identify the mechanism of connection, predict the development of the criminological situation, and develop practical measures to combat crime.

In the process of criminological support, it is equally important to identify problematic issues that require urgent resolution, developing priorities for further activities to minimize crime based on analysis, determining how purposefully and reasonably criminological information is used. Timely identification of problematic issues in crime prevention activities allows police managers to: redistribute available resources used in the fight against crime in a timely manner; organize continuous interaction with law enforcement agencies; exercise the necessary control over the implementation of management decisions; evaluate the effectiveness of the measures taken and make the necessary adjustments.

5. Conclusions.

Criminological support is one of the elements of law enforcement organization that contributes to improving the effectiveness of police management. The organization of criminological support for police activities is the activity of forming and ensuring the functioning of a system for collecting, analyzing, and using criminological information that contributes to the development of adequate and optimal management decisions aimed at combating crime, which includes the following elements: defining the goals and objectives of criminological support, its subjects, their powers, and the mechanism of interaction; regulatory, methodological, informational, material, technical, and personnel support for the activities under review; determining the sources, volume, carriers, and frequency of receipt of criminological information, its analysis and accumulation in information databases; identification of criminogenic threats to public order and public safety in the territory served, categories of persons who should be subject to preventive measures; forecasting of possible developments in the criminal situation; development of management decisions, preventive measures, and assessment of their effectiveness; determination of forms and subjects of control, and the procedure for its implementation.

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NATIONAL AND CROSS-BORDER SECURITY AS LEGAL CATEGORIES: THEORETICAL AND LEGAL ANALYSIS

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DOI: https://doi.org/10.61345/1339-7915.2025.4.31

Annotation. The article examines the concepts of "national security" and "cross-border security" as legal categories in the context of global security transformation. The relevance is determined by Russia's full-scale aggression against Ukraine, which fundamentally changed European security architecture and necessitated rethinking theoretical foundations of ensuring national and regional stability.

Cross-border security is defined as an independent legal category occupying an intermediate position between national and regional security levels. Its complex nature is substantiated, encompassing political, scientific-technological, environmental, humanitarian, and demographic components. A distinction between "cross-border security" and "security of cross-border cooperation" is proposed, proving that ensuring cross-border security is a prerequisite for intensifying economic, social and cultural ties between border regions of neighboring states.

Key words: national security, cross-border security, national interest, cross-border cooperation, constitutional security.

1. Relevance of the research.

Russia's full-scale armed aggression against Ukraine has revealed significant shortcomings of this model and demonstrated the unpreparedness of European institutions to respond promptly to threats of such a scale. The war forced the EU to reconsider the basic principles of its security policy, significantly increase defense spending and, for the first time in history, use the European Peace Fund mechanism to supply lethal weapons to a third country. At the same time, Russian aggression accelerated the process of rethinking NATO's role as a key guarantor of European security and prompted historic decisions to join the Alliance by Finland and Sweden.

2. The purpose of the study

is to clarify the essence and content of the concepts of "national security" and "transborder security" as legal categories, determine their correlation and place in the hierarchy of levels of the security system, as well as substantiate the complex nature of transborder security and identify its main types.

3. The state of the development of the problem.

Issues of national security and its conceptual and categorical apparatus have been studied in the works of many domestic scientists. In particular, N. Kholyavko, Y. Sorokaletova and T. Yanchenko analyzed the essence and types of national security of the country in the context of innovative development and cross-border security. L. Kazakova carried out a comprehensive analysis of the conceptual and categorical apparatus of national security of the state, substantiating the expanded interpretation of this category. A. Yanchuk investigated the features of improving the regulatory and legal support of state security of Ukraine in modern conditions.

An important contribution to understanding the relationship between national security and constitutional values was made by O. Lemak, who considered the relationship between the

Ukrainian nation and national security, as well as the role of the Constitution in eliminating the challenges that are the consequences of globalization, and I. Shved, who determined the place of prosecutor's offices in the mechanism of ensuring constitutional security of the state. V. Shakhov and V. Madison analyzed the category of national interest in the context of the geostrategy of Ukraine.

The theoretical foundations of cross-border processes and cross-border cooperation were developed in the works of S. Ustych, who studied the essence of modern cross-border processes and their categorical reflection, and N. Mikula, who in a fundamental monograph substantiated the conceptual principles of interterritorial and cross-border cooperation.

The issue of cross-border security was directly studied by M. Dubyna, who determined its essence, types and place in the system of security levels. However, despite the presence of significant scientific achievements, a comprehensive study of the relationship between national and cross-border security, especially in the context of modern security challenges associated with Russian aggression, remains insufficiently developed and requires further scientific study.

4. Presentation of the research material.

In the era of deepening globalization processes and intensification of world economic ties, the issues of guaranteeing the national security of states are becoming particularly acute. Security issues occupy a prominent place among the key factors of social development, socio-economic stability and political life of countries.

An effective national security system involves the formation of a multi-level protective mechanism, where the number of countermeasure models significantly exceeds the spectrum of potential threats and dangers. From an organizational point of view, the structure of national security is implemented through three main forms: the activities of state and private security structures; the market for specialized services in the field of economic security; the performance of security functions by hired employees of the appropriate profile. The state in the system of ensuring national security performs two key tasks: regulating public relations in the interests of society and ensuring its own self-preservation as a political institution [1, p. 11].

Applying a systemic approach to the analysis of the issue under study, the essence of transborder processes can be defined as communication between subjects, their relationships and interaction, as well as the natural movement of matter, energy, etc., associated with crossing the state border. Therefore, transborder processes (transborder as a phenomenon) are not identical to international relations, but are a much broader category. They encompass not only various forms of subject interaction across the border, which constitutes the content of international relations, but also a wide range of natural transborder phenomena - the circulation of water and air masses, the migration of animal populations, that is, a kind of object interaction. Undoubtedly, transborder processes are richer in content and compared to interstate relations, the participants of which are exclusively state institutions [2, p. 49].

It should be noted that the study of the issues of national security is primarily due to the global economic and spiritual and moral crisis that has engulfed the vast majority of countries in the world, as well as the aggravation of internal and external contradictions of various nature. These factors encourage states with young democratic traditions to search for more effective mechanisms for protecting the constitutional order and ensuring national sovereignty [3, p. 345].

Thus, the main purpose of the state is to ensure the safe existence of society. As O. Lemak rightly notes, it is security that is the central element of the "social contract" between citizens and the state apparatus acting on their behalf – this idea is fundamental to the contractual theory of the origin of the state. The security of society, that is, social or public security, in this context is identical to the concept of national security, since the nation encompasses all citizens, as well as stateless persons who are on the territory of the state and fall under its jurisdiction. Therefore, national (social) security means the security of all persons living on the territory of Ukraine without exception [4, p. 40]. The same researcher claims that any threat to society automatically acquires the character of a national danger; at the same time, the identification of these concepts allows us to overcome the false delimitation of their content, according to which national security is associated exclusively

with forceful actions of a military or similar nature, while social security supposedly concerns only the civil, peaceful situation of citizens in the state [5, p. 91].

National security is a determining factor in the existence of a state not only as a subject of international law, but also as a guarantor of the rights and freedoms of its citizens. The protection of national interests is a fundamental condition for the functioning of a sovereign state, ensuring its self-preservation and sustainable development of society [6, p. 128].

Researcher I. Shved, analyzing the functions of the prosecutor's office in the system of ensuring constitutional security, defines national security as a normatively established stable legal state of the population of the state. This state is characterized by the ability to satisfy the needs necessary for existence and development, with minimal risks to fundamental constitutional values. It is guaranteed by the presence of an effective mechanism for protecting the rights and legitimate interests of individuals by state authorities from potential and real internal and external threats capable of harming the vital interests of citizens [7, p. 32].

Researcher L. Kazakova, relying on doctrinal developments and analysis of the legislative framework for defining national security as a legal category, proposes to interpret the national security of Ukraine more broadly than only its military component. According to the scientist, this concept encompasses not only the state's activities to protect state sovereignty, territorial integrity, democratic constitutional order and other national interests from real and potential threats, but also state measures to ensure the rights and freedoms of man and citizen both at the national level and in the international dimension [6, p. 129]. Regardless of the chosen methodological approach to interpreting the concept of "security", notes I. Shved, the category of "interest" invariably remains central [7, p. 34]. In this case, in particular, V. Shakhov and V. Madisson consider the national interest as an integrated expression of the interests of all members of society, which is realized through the political system. It combines the interests of each individual, the interests of national, social and political groups with the interests of the state as a holistic entity [8, p. 45].

So, according to the cited scientists, the national interests of the state can be defined as the vital needs of the existence and development of man, social groups, society, the state and the natural environment, recognized by society. These needs are enshrined in the Constitution and other regulatory legal acts of the constitutional level in the form of programmatic target guidelines. In essence, national interests constitute the fundamental values of the people [8, p. 46].

Thus, we can state that in modern legal science, national security is considered as a complex legal category that integrates several interrelated elements: a normatively established legal status of the protection of the individual, society and the state; a system of institutional mechanisms for countering internal and external threats; a set of guarantees for the implementation of national interests. At the same time, the category of "national interest" itself acts as a system-forming element of the doctrine of national security, since it is through it that the constitutionalization of the vital needs of society and their transformation into programmatic target guidelines of state policy takes place.

Doctrinal analysis also confirms the methodological error of a narrow interpretation of national security exclusively through the prism of the military-force component. Modern legal doctrine justifies an expanded understanding of this category, which encompasses the protection of the constitutional order, ensuring human rights and freedoms, economic stability and social development. This approach is consistent with the fundamental provisions of the contractual theory of the origin of the state, according to which security is a central element of the social contract between citizens and the state, and therefore the primary function of public authority.

We draw attention to the etymology of the concept of "transborder security", which consists of two components: "transborder space" and "security". The Latin prefix "trans" means "on the other side", "through". In this sense, this term is used in various scientific disciplines – economics, political science, psychology, medicine, technical sciences, etc. [9, p. 238]. N. Mikula in the monograph "Interterritorial and cross-border cooperation" offers the following options for translating the word "trans" – "to transfer", "to transfer", "to move" [11, p. 14]. Therefore, this term always indicates the process of overcoming a certain border, including the state border.

Thus, cross-border security involves the study of threats to common interests and objects of adjacent territories of two or more states, while the security of cross-border cooperation concerns

the protection of practical activities to establish interaction between border regions, which are carried out by authorities and territorial communities. At the same time, cross-border security is an essential factor in the formation of effective cooperation between communities of different states. Its provision should contribute to the intensification of economic, social and cultural ties between regions in order to improve the quality of life, primarily of residents of border territories, as well as minimize the negative consequences of the existence of the state border. The phenomenon of cross-border security is complex in nature, since by its nature it covers numerous areas of security activity. This is primarily due to the multifaceted nature of public life and the ability of threatening factors to influence various spheres of human activity [9, p. 239].

M. Dubyna states that cross-border security is a qualitatively new level, which in its essence occupies an intermediate position between national security and regional security. Traditionally, the issues of cross-border cooperation are studied through the prism of regional development. At the same time, given that cross-border security covers a cross-border region, which includes the territories of at least two neighboring states, it would be methodologically incorrect to reduce it exclusively to the level of regional security. Cross-border security has its own specifics that distinguish it from other levels of the security system [9, p. 239].

In domestic practice, the above-quoted researcher also notes, an approach has been formed according to which cross-border security is mainly identified with the security of the state border or environmental security. Thus, the Law of Ukraine "On the Fundamentals of National Security" in Article 8 defines the priority directions of state policy in the field of national security in individual areas. In particular, in the military sphere and the sphere of state border security, one of the priorities is the deepening of cross-border cooperation with neighboring states. However, cross-border security, according to M. Dubina, is not limited solely to the protection of the state border, but is a complex multi-component system, similar to regional and national security [9, p. 242].

The scientist concludes that cross-border security can be defined as a state of protection from negative external and internal influences on the common interests, objects and processes of two or more territories divided by a state border, which are united on the basis of these common elements. Among the main types of cross-border security, it is advisable to distinguish: political, scientific and technological, environmental, humanitarian, internal and demographic cross-border security [9, p. 244].

Summarizing the analyzed doctrinal approaches to the definition of cross-border security, we state that this concept is an independent legal category that occupies a special place in the hierarchy of security levels - between national security and regional security. In contrast to the narrow interpretation established in domestic practice, which reduces cross-border security to the protection of the state border or environmental aspects, modern doctrine justifies its complex nature. Cross-border security covers the state of security of common interests, objects and processes of adjacent territories of different states and includes political, scientific and technological, environmental, humanitarian, internal and demographic components. In our opinion, the methodologically important distinction between the concepts of "cross-border security" and "security of cross-border cooperation" is: the first concerns the protection of common interests of border territories, the second - the security of practical activities to establish interregional interaction. Ensuring cross-border security is a necessary prerequisite for intensifying economic, social and cultural ties between border regions, minimizing the negative consequences of the existence of the state border, and improving the quality of life of the population of the relevant territories.

5. Conclusion.

The study shows that after the full-scale invasion of the Russian Federation into Ukraine, the issue of cross-border security has become particularly relevant. National security is a complex legal category that encompasses the state of security of the individual, society and the state, mechanisms for countering threats and guarantees for the implementation of national interests. Its narrow interpretation exclusively through the military-power component is methodologically incorrect, since this category also includes the protection of the constitutional order, human rights, and economic stability.

Cross-border security occupies an intermediate position between national and regional security. It should not be reduced only to border protection or environmental security – it is complex in nature, covering political, scientific and technological, environmental, humanitarian and demographic dimensions. It is important to distinguish between the concepts of "cross-border security" and "security of cross-border cooperation".

Russian aggression has revealed the vulnerability of existing collective security mechanisms. Promising areas of research include the development of legal mechanisms for ensuring cross-border security in armed conflicts and the formation of a new model of regional security, taking into account the experience of countering hybrid threats.

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CONDUCTING A SEARCH IN CONDITIONS OF TACTICAL RISK DURING THE INVESTIGATION OF CRIMINAL OFFENCES, IN ACCORDANCE WITH RELATED TO STATE GUARANTEES FOR THE FUNCTIONING OF THE HEALTHCARE SECTOR

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DOI: https://doi.org/10.61345/1339-7915.2025.4.32

Annotation. This scientific article examines issues related to conducting searches in conditions of tactical risk during the investigation of criminal offences related to state provision of healthcare services. Based on the opinions of prominent scholars and the provisions of legislation, the procedural essence of a search and its significance as one of the main means of obtaining evidence in criminal proceedings of this category are revealed. Typical search objects, characteristic forms of resistance on the part of suspects and the defence, as well as behavioural patterns of persons being searched are analysed.

Particular attention is paid to tactical risks arising during searches and factors affecting their effectiveness, in particular, surprise, timing, and the level of professional training of investigators and operatives. Scientific approaches to the classification of types of searches and tactical situations arising during their implementation are summarised. Practical recommendations are formulated for organising and conducting searches in conditions of increased resistance in order to minimise tactical risks, ensure the safety of participants in investigative actions, and respect human rights.

Key words: search, tactical risk, investigative (search) actions, criminal offences, healthcare, state provision, pre-trial investigation, law enforcement agencies, state funds.

1. Introduction.

The relevance of this topic is due to the fact that healthcare is one of the most important areas of social security, directly affecting the standard of living of the population, national security and stability in the country. At the same time, significant amounts of budget funding, centralised procurement of medicines and equipment, and the repair and construction of medical facilities create high corruption risks. This problem became particularly acute during Russia's armed aggression, when humanitarian challenges created a situation in which financial resources were redistributed quickly and control over their use was often insufficient. In these circumstances, widespread abuses have emerged: overpricing in public procurement, supply of poor-quality equipment, misuse of humanitarian aid, etc.

During the investigation of criminal offences related to state provision of healthcare services, a search is an urgent investigative (search) action that helps to uncover evidence and indicative data. When studying economic crimes, researchers note that the most common and effective investigative (search) actions in criminal proceedings of this category are searches, inspections of the scene, objects and documents, interrogations, and forensic examinations [1, p. 294]. At the same time, searches in such proceedings are extremely complex investigative (search) activities that require not only compliance with legislative norms, but also a high level of organisation, tactical training and psychological resilience on the part of employees. Criminals are highly intelligent and often operate in organised groups, so law enforcement officers often face active resistance, disinformation, and attempts to conceal or destroy evidence.

2. Analysis of scientific publications.

The issue of organizing and conducting searches in criminal proceedings, particularly in criminal proceedings involving economic crimes, has attracted the attention of many scholars. For example, V.Y. Shepitko analysed the general theoretical principles of conducting investigative (search) activities, paying particular attention to the importance of proper procedural formalities and thorough tactical preparation for a search. O.M. Kostenko studied the psychological characteristics of offenders' behaviour during investigative actions, in particular the factors that influence their ability to resist or mislead the investigation. O.V. Solovyov analysed the methodology for identifying and seizing evidence in difficult conditions of opposition from organised groups. Important aspects of search preparation and tactics are reflected in the works of V.P. Bakhin, who emphasised the operational interaction between police units during investigative actions. Yu.M. Groshev drew attention to the procedural guarantees of individual rights during searches and the risks of their violation in conditions of armed confrontation. In addition, M.V. Karachun studied the peculiarities of using special knowledge and technical means during searches, in particular in criminal proceedings related to organised criminal groups. At the same time, as evidenced by an analysis of contemporary scientific literature, the issues of search tactics and possible risks during the investigation of criminal offences related to state provision of healthcare services have not received adequate theoretical attention.

3. The aim of the work.

The purpose of this work is to examine the issue of conducting searches during the investigation of criminal offences, criminal offences related to the state provision of healthcare services, in conditions of tactical risk, with the aim of improving the effectiveness of this investigative (search) action.

4. Review and discussion.

A search is an investigative (search) action, the essence of which is the compulsory examination of premises and structures, areas of land, individual citizens, their clothing and belongings in order to identify and record information about the circumstances of a criminal offence, find the instruments of a criminal offence or property obtained as a result of its commission, and establish the whereabouts of wanted persons [2, p. 423]. Criminal procedural regulation is reflected in Article 234 of the Criminal Procedure Code of Ukraine [3].

In previous studies, we noted that in criminal proceedings involving the misuse of public funds in the healthcare sector, the objects of search are documents – 100%, drafts – 82%, funds obtained by criminal means – 78%, equipment – 15%, medicines – 18%, medical devices – 16%, computer equipment – 80%, mobile phones – 76%, building materials – 23%, food products – 17%, and other items – 9% [4, p. 119].

Searches are important in solving this task, during which photographs and video recordings that capture events that testify to the stable ties between the group members, as well as information from electronic media, in particular, correspondence via SMS, e-mail, etc., can be seized. If, during investigative (search) activities, documents confirming social ties between members of an organised group (photographs, video materials, electronic data) are found and seized, there is a need to conduct appropriate examinations: photographic, video, portrait, computer-technical, etc. [5, pp. 148-150].According to scientific research, searches occupy a special place among investigative (search) actions carried out in the course of pre-trial investigations of criminal offences, as they are most often the basis for complaints against the actions of law enforcement officials. In this context, it is particularly important to ensure a balance between the efficiency and effectiveness of this procedural action and unconditional respect for human rights [6, pp. 126-129].In turn, analysis of judicial, investigative and operational practice has established that in 48.6% of cases during searches, law enforcement officers encountered resistance from the defence, and in approximately 32.8% of cases from criminals, which manifested itself in the form of unconstructive complaints, disagreement with the legality of law enforcement actions, refusal to voluntarily hand over documents, means of

communication, computer equipment, cash, etc., as provided for in the ruling. There were recorded cases of destruction and concealment of documents on the territory of the hospital and in other places related to criminal proceedings.

In this context, Vartsaba V.M. pays particular attention to the specifics of such types of searches as group searches, searches with simultaneous detention of suspects (so-called 'search-detention'), as well as searches that did not yield positive results, i.e., searches with negative consequences. Each of these options has its own tactical features, legal restrictions and conditions of admissibility, which need to be carefully considered during the pre-trial investigation [7].V.Y. Shepitko, depending on the attitude of the person being searched towards the search, notes the following situations:

a) a situation of active resistance;

b) a situation of neutral behaviour on the part of the person being searched and their refusal to

communicate with the investigator;

c) a situation of providing assistance to the investigator during the search [8, p. 224]. During the investigation of criminal offences related to state provision of healthcare services, investigators and operational staff encounter all kinds of situations, but it should be noted that the professional actions of law enforcement officers allow them to transform active resistance into neutral behaviour on the part of the person being searched, and subsequently into assistance to the investigator during the search. Clear explanation and enforcement of the law, and the involvement of special forces in conducting searches, as a rule, contribute to the achievement of the lawful purpose of the search. Also, in our opinion, operational staff should prepare in advance for possible risks by carrying out other procedural actions. As noted by scholars, at the organisational stage, it is important to define the objectives of the search, justify the need for immediate intervention, ensure the participation of relevant specialists (operatives, forensic experts, IT experts), and minimise the risks of information leakage, which could lead to the destruction or concealment of evidence [9, pp. 374-378]. However, successfully used tactical search techniques occupy a special place. Among these, criminologists rightly highlight:

– conducting simultaneous searches of all accomplices;

– conducting repeat searches;

– simultaneous interrogation of a suspect by one investigator and a search of their place of work or residence by another;

– use of technical search tools [1, p. 296].R.V. Yaroshenko notes that the results of a search conducted during an investigation into the appropriation, embezzlement or misappropriation of property through abuse of official position committed by an organised group are influenced to a greater or lesser extent by: the time of the search – 46.8%, the suddenness of the search – 69.2%, the professionalism of the persons conducting the investigative (search) action – 57.5%, other circumstances – 34.6% [10].

In criminal proceedings involving misuse of public funds in the healthcare sector, it is important to ensure that several searches are conducted simultaneously at all locations associated with the individuals involved, including their places of work (offices, other hospital premises), places of residence, and other properties where the objects of the search may be stored (garages, dachas, relatives' homes, etc.). The fact that hospitals often operate in several separate premises complicates the search, requiring the involvement of additional forces.

Thus, in criminal proceedings concerning the misappropriation of public funds on an especially large scale, a search was conducted at the workplace of the chief physician of a tuberculosis dispensary, which yielded no results. At the same time, the items being sought were found at the home of his uncle, who was also being searched at the time.

It should be noted here that an office cannot in itself be considered a dwelling or other property to which access is determined exclusively by its owner, and therefore, without the owner's consent, access to it can be obtained with the permission of an investigating judge. An office is provided for the performance of official duties, and access to it is determined by other regulations based on

considerations unrelated to the protection of the privacy of the persons to whom such office space is provided [11, p. 16]. Based on the opinions of scientists, we consider the following recommendations for conducting searches to be effective:

– investigative actions should be planned with stricter adherence to secrecy, as criminals are usually aware of the methods used by law enforcement agencies, have influential connections among government officials, and take measures to more carefully conceal and destroy evidence or traces of criminal activity;

– in order to prevent leaks of information about the planning and conduct of investigative actions, employees of the assigned forces should be briefed immediately before the start of the search during targeted briefings;

– During searches, criminals may behave defiantly, resist, including with the use of weapons and other dangerous means, attempt to hide or cause harm to themselves or those present, and may engage in other provocative actions, so it is essential to involve special forces personnel and ensure personal safety.

– When conducting searches of members of an organised criminal group, it is important to take measures to prevent communication with other criminals [10, p. 167].

5. Conclusions.

Searches conducted during investigations of criminal offences related to state provision of healthcare services take place in conditions of heightened tactical risk due to the organised nature of criminal activity, the existence of influential connections, and the high probability of resistance from interested parties. In such conditions, a search requires careful planning and a high level of professionalism on the part of the investigator and operational staff. The effectiveness of a search directly depends on its timeliness, suddenness, proper organisation, the professionalism of investigators and operational staff, as well as the use of sound tactical techniques, in particular simultaneous and repeated searches, the use of technical means and the involvement of specialists. An important factor in minimising tactical risks is ensuring secrecy, preventing information leaks and taking measures to ensure the personal safety of those involved in the investigation.

At the same time, searches conducted under conditions of tactical risk must be carried out in strict compliance with the requirements of criminal procedural law, which is a necessary condition for obtaining proper and admissible evidence.

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CERTAIN FEATURES OF THE IMPLEMENTATION OF THE PRINCIPLES OF ADMINISTRATIVE LAW IN THE LAW-ENFORCEMENT ACTIVITY OF PUBLIC ADMINISTRATION

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DOI: https://doi.org/10.61345/1339-7915.2025.4.33

Annotation. The article examines the implementation of the principles of administrative law in the law-enforcement activity of public administration, with a focus on their practical significance in situations of legal uncertainty. It is substantiated that these principles function as normative and value-based guidelines that ensure uniform interpretation of administrative-law provisions, increase the predictability of administrative decisions, and prevent arbitrariness in law enforcement. It is demonstrated that, where legislative gaps and inconsistencies exist, the principles acquire an enhanced regulatory role, as they enable administrative bodies and courts to reasonably individualize legal rules by combining the formal certainty of law with its value foundations and by ensuring a rational balance between public and private interests. Particular attention is paid to conflict-of-law principles as an instrument for overcoming normative conflicts. On the basis of doctrinal positions and judicial practice, the article clarifies the approach under which a special rule prevails over a general one (lex specialis derogat generali), and outlines criteria for distinguishing special regulation as well as for combining substantive and temporal approaches in cases of conflict. It is emphasized that the principles also define the limits of discretionary powers by shaping standards for discretion and accountability of public administration. The article concludes that further specialized research is needed on the mechanisms for the practical implementation of principles in administrative procedures and in the control of the legality of administrative decisions.

Key words: administrative law; principles of administrative law; law-enforcement activity; public administration; legislative gaps; conflicts of norms; administrative acts.

1. Introduction.

Law enforcement is inextricably linked to the process of implementing law, because it is through law enforcement that abstract normative prescriptions are transformed into specific legally significant decisions or actions. If the implementation of law in general means the embodiment of legal rules in the conduct of participants in social relations, law enforcement reflects the activity of authorized actors aimed at individualizing those prescriptions in specific real-life situations. In this way, there is a transition from general models закріплені in legal norms to individualized decisions that acquire a binding character for specific addressees.

In the course of public administration, law-enforcement activity constitutes one of the principal forms of direct implementation of administrative-law norms. Unlike the generally binding impact of laws and other normative legal acts on public-law relations, law enforcement has a personalized character, as it is aimed at regulating or resolving specific administrative matters and ensuring the proper realization of rights and obligations with respect to identified subjects. Law enforcement manifests itself in the activities of public servants who determine a person's legal status or confer special administrative legal capacity upon particular individuals (for example, registration of legal entities, licensing of certain types of activity, etc.). Most clearly, law enforcement is realized in the resolution of конкретні administrative cases or legal disputes, when an authorized public authority issues an individual act by which rights are established or modified, or a person is vested with certain obligations.

The fundamental bases of law enforcement are the principles of administrative law, which serve as standards and guidelines for public administration. At the same time, the specific features of their implementation in the law-enforcement activity of public administration remain insufficiently studied.

2. Analysis of scientific publications.

The issues of the principles of administrative law and their characteristics have traditionally remained within the focus of Ukrainian administrative-law doctrine. A significant contribution to the development of the theoretical foundations for understanding the principles of administrative law has been made in the works of V.B. Averianov, R.S. Melnyk, V.V. Halunko, V.I. Kurylo, V.Yu. Oksin, N.I. Didyk and other scholars, who have explored their content, functional purpose, relationship with legal norms, and their importance for law-making and law enforcement. Despite the substantial scholarly output, it should be noted that there is still a lack of thorough research on the implementation of the principles of administrative law in the law-enforcement activity of public

3. The aim of the work.

The aim of the article is to examine certain features of the implementation of the principles of administrative law in the law-enforcement activity of public administration, focusing on clarifying their fundamental role as normative and value-based guidelines for law enforcement and on determining how these principles ensure the adoption of reasoned and lawful administrative decisions in the presence of legislative gaps and conflicts, promote uniform interpretation of administrative-law norms, and prevent arbitrariness in the activities of public administration entities.

4. Review and discussion.

Traditionally, legal scholarship defined law-enforcement activity as an exclusively state-authoritative function carried out by public authorities or their officials. However, contemporary transformational processes in the public-law sphere demonstrate a gradual departure from this view. One of the most significant trends of recent decades has been the implementation in Ukraine of reforms aimed at decentralization and deconcentration of public power, which, in turn, has substantially affected the sphere of law enforcement.

Law-enforcement activity of public administration is an authoritative and organizing activity, regulated by the norms of administrative law, carried out by authorized subjects of public and private law. It is exercised within a clearly defined procedural framework and is aimed at individualizing the prescriptions of legal norms through the adoption of administrative acts and the performance of other legally significant actions, in order to ensure the realization of rights and obligations of participants in public-law relations and to safeguard and protect public interests. This activity is based on legality, reasonableness, and fairness (the set of principles will be specified in the conclusions).

The first doctrinal position proceeds from the premise that the law-enforcement activity of public administration has a distinctly public-law character, since it is carried out within, and governed by, administrative-law norms. Accordingly, its principles are considered a component of the general system of principles of administrative law.

Another viewpoint emphasizes that the principles of law-enforcement activity have universal significance for the entire system of public power. From this perspective, they function as principles of state (public) activity in general, because they express fundamental guidelines for the exercise of authoritative functions by public administration that extend beyond administrative law. This argument is grounded in the idea that positive law, by its substantive potential, does not cover all aspects of the activity of public administration bodies—particularly issues of legal culture of public servants, moral and ethical foundations, evaluative categories, and administrative discretion.

With regard to this issue, in our view, the principles of law-enforcement activity of public administration should be considered primarily as an organic component of the principles of administrative law. First,

their administrative-law nature is обусловлена by the fact that it is administrative law that regulates the order, limits, and procedures of public administration activity. Therefore, the principles of law enforcement cannot exist outside the branch-specific foundation, since they are determined by the tasks and functions of administrative law as an independent branch. They guide law-enforcement activity, ensure a uniform understanding of the content of administrative norms, and promote their correct application in practice.

Second, it is precisely through administrative law that a concrete mechanism is formed for the influence of these principles on law-enforcement activity: the impact of the principles of administrative law manifests itself in the procedure for adopting administrative acts, in the procedure for considering administrative cases, and in the forms of control and appeal of decisions. In other words, administrative law is the environment in which the principles are not only formulated but also acquire real practical significance.

At the same time, it cannot be denied that the principles of law-enforcement activity have universal importance. They correlate the law-enforcement activity of public administration with the general guidelines of state activity, reflect fundamental requirements for the organization and functioning of the system of public authorities, and for the implementation of their tasks and functions. However, such universality does not negate their branch-specific nature; rather, it underscores that administrative law serves as the primary instrument for the concretization and implementation of these guidelines in public-law relations.

Accordingly, it appears well grounded to conclude that the principles of law-enforcement activity have a dual, yet hierarchically ordered, character: they possess general public significance, but find their real embodiment and practical guarantee specifically within law-enforcement activity regulated by administrative law.

One of the key functions of the principles of law-enforcement activity of public administration is to regulate organizational, procedural, and moral-ethical issues of applying administrative-law norms by officials of public authorities, as well as by judges in the course of administrative adjudication. The principles of law-enforcement activity of public administration serve as legal guidelines that, in one way or another, direct the conduct of subjects involved in the sphere of law enforcement [1, c. 26; 2 c. 69-70].

As Ya. O. Bernaziuk notes, where conflicts arise between legal norms of the same legal force, it is appropriate to apply an approach developed in legal theory and confirmed by law-enforcement practice, according to which a special rule takes precedence over a general one. This approach is based on the *lex specialis* principle, under which, in the event of a contradiction between a general and a special law, the special law should be applied. The essence of the principle *lex specialis derogat generali* lies in the fact that, for the purposes of resolving a specific dispute, a special law has priority over a general law, effectively limiting or excluding the operation of the general law in the relevant sphere. This ensures the precision and effectiveness of legal regulation, because a special rule takes into account the specific features of legal relations that are not covered by general regulation [3].

Applying the *lex specialis* principle, the European Court of Human Rights (ECtHR) in its case-law has concluded that Article 11 ("Freedom of assembly and association") of the Convention, interpreted in the light of Article 9 ("Freedom of thought, conscience and religion"), prevails over other provisions with regard to the regulation of peaceful assemblies; likewise, Article 6 ("Right to a fair trial"), in relation to Article 13 ("Right to an effective remedy"), has priority, since the requirements of Article 13 are absorbed by the more stringent requirements of Article 6 [3].

When applying the conflict-resolution approach in legislation based on the principle *lex specialis derogat generali*, judicial practice generally proceeds from the following assumptions: (1) a "special" law is characterized by a criterion of more detailed regulation of the relevant socio-administrative legal relations (i.e., the law is specifically aimed at regulating those relations); (2) where conflicts exist between special laws (rules), a temporal approach should be applied; (3) the special (substantive) criterion of resolving conflicts takes precedence over the criterion of the later-adopted act (the temporal criterion); (4) if acts of the same legal force are special and were adopted on the same day, priority is given to the act with the higher sequential registration number (i.e., adopted later within the same day); (5) if acts of the same legal force are special but have different or opposite dates of adoption and entry into force, priority is given to the act adopted later, but only for the period during which it is in force (effective) [3].

In this regard, it is impossible to ignore the significance of these principles in situations involving legislative gaps and conflicts, as well as in the exercise of discretionary powers by public authorities and administrative courts. Conflict-of-law principles are of considerable importance for the activities of public administration in applying the norms of administrative law. They ensure the correctness of actions and guide public authorities in situations where legislative provisions contradict one another or allow for different interpretations. Relying on these principles makes it possible to avoid arbitrariness in decision-making, to reconcile the formal certainty of legal rules with their value-based foundations, and to achieve a reasonable balance between public and private interests. Their application entails an obligation for public administration bodies to act within a value system centered on the individual, their rights, and freedoms.

5. Conclusions.

The principles of administrative law perform the function of guiding benchmarks for the activities of public administration bodies, determining not only the content but also the permissible limits of applying legal norms. First, principles ensure the unity of interpretation of administrative-law provisions, which prevents arbitrariness in decision-making and contributes to the development of consistent law-enforcement practice. Second, principles serve as a means of overcoming gaps and contradictions in legislation, since they allow administrative bodies to adopt decisions based on general values and human-rights standards even in the absence of a clear legal rule. Third, the principles of administrative law secure the primacy of human rights and freedoms in the functioning of public administration. This, in turn, imposes a duty on public authorities to carry out law-enforcement activity in a manner consistent with generally recognized human-rights standards and to prevent their violation. Fourth, principles operate as limits on the exercise of discretionary powers, making arbitrariness in law enforcement inadmissible. They establish normatively defined standards that must be taken into account when adopting any administrative act, regardless of the presence of evaluative concepts or imperfect legislative wording.

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THE FUNCTIONAL PURPOSE OF THE JUDICIARY IN THE SYSTEM OF CHECKS AND BALANCES

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DOI: https://doi.org/10.61345/1339-7915.2025.4.34

Annotation. The article analyzes the system of checks and balances as a fundamental principle of the organization of state power and determines the role of the judiciary in the mechanism of ensuring the balance between the branches of power. It is substantiated that the system of checks and balances is a set of legislatively established powers, means and procedures, the main task of which is to prevent the dominance of one branch of power over another.

The special place of the judiciary in the mechanism of checks and balances is determined. It is argued that the judiciary acts as a guarantor of balance between the legislative and executive branches of power, ensuring the functioning of the state mechanism on the basis of the rule of law. The specific features of the judiciary are analyzed, in particular organizational separation, the functions of constitutional supervision and judicial control over the legality of the activities of other branches of power.

It is substantiated that the independence of the judiciary is a fundamental prerequisite for the effective implementation of its restraining function. Guarantees of such independence are defined: the binding nature of court decisions, legal liability for their non-execution, and compliance with legislative requirements regarding judicial procedures. It is emphasized that compliance with the principle of judicial independence is a guarantee of fairness of justice and contributes to the establishment of Ukraine as a democratic state based on the rule of law.

Key words: system of checks and balances, judiciary, separation of powers, independence of the court, constitutional control.

1. Problem statement.

The principle of separation of powers constitutes the organizational and legal foundation of the functioning of state power in modern democratic countries. According to this principle, state power is structured on the basis of the separation of legislative, executive and judicial branches, each of which is autonomous and independent. At the same time, modern states not only ensure the separation of powers, but also pay significant attention to the mechanisms of their interaction, the key tool of which is the system of checks and balances.

A characteristic feature of the current stage of state formation is the contradictions between the branches of state power, primarily in the system of relations between the President, Parliament and Government. Such dynamics of political processes objectively require the improvement of the mechanism of checks and balances, taking into account the political incompleteness and insufficient level of development of democratic institutions, the lack of a clear relationship between the interests of citizens and the state, as well as the limited influence of civil society institutions on public authorities. In this context, the study of the functional purpose of the judiciary as a guarantor of balance in the system of separation of powers and ensuring the rule of law is of particular importance.

2. The purpose of the study.

is to determine the functional purpose of the judiciary in the system of checks and balances, to clarify its role as a balancing element in the mechanism of interaction between the branches of state power,

and to substantiate the importance of judicial independence for the effective implementation of the restraining function in the conditions of modern constitutional development of Ukraine.

3. Scientific status of the problem.

The issue of the system of checks and balances and the functional purpose of the judiciary in the mechanism of separation of state powers is the subject of scientific research by domestic and foreign scholars in the field of constitutional law, theory of state and law, and public administration.

The theoretical and methodological foundations of the concept of separation of powers and the system of checks and balances were developed in the works of classics of political and legal thought, in particular A. Schlesinger, who substantiated the mechanism of balancing the branches of power through the system of checks and balances and the influence of the body of constitutional justice. A fundamental study of the paradigm of Ukrainian constitutionalism was carried out by D. Belov, who analyzed the features of constitutional transit and the institutional state system of Ukraine. O. Prieshkina studied the constitutional system of Ukraine and the problems of interaction between the branches of power. Yu. Shemshuchenko examined the legal foundations of parliamentarism, emphasizing the need to strengthen the role of parliament in the formation of the government.

A comprehensive analysis of the system of checks and balances in the sphere of state-administrative relations was carried out by a team of authors under the editorship of V. Rebkala, M. Logunova and V. Shakhov. I. Salo investigated the mechanisms of checks and balances in the political systems of the EU countries and in Ukraine, and V. Obraztsova analyzed the specifics of this mechanism in public-administrative relations. D. Peca examined the system of checks and balances as a social phenomenon of state and legal development.

A significant contribution to the study of the role of the judiciary in the mechanism of checks and balances belongs to V. Kotskulych, who substantiated the expediency of separating the judiciary from other branches. O. Lemak investigated the right to an independent and impartial court in the context of human rights protection. N. Malyshkina analyzed the guarantees of the functioning of the judiciary and the features of its interaction with other branches of government. M. Kutsyn examined the judiciary in the system of separation of powers in the context of its independence. A monographic study of the judiciary in the system of separation of powers was carried out by Yu. Remyeskova, justifying the role of the court as a guarantor of balance between the branches of power.

However, despite significant scientific achievements, the functional purpose of the judiciary in the system of checks and balances requires further research, taking into account modern transformation processes and Ukraine's European integration aspirations.

4. Presentation of the research material.

The study of the forms (sources) of law has significant theoretical and practical significance, since they not only provide an external expression of the essence and content of law, but also determine numerous aspects of the functioning of the legal system. The formation of a legal state and the development of civil society directly depend on the ability to ensure proper legal regulation of property relations and the protection of the legitimate interests of individuals and legal entities. Modern legal regulation of civil relations is characterized by the dynamic development of all branches of legislation, the application of international law, as well as the spread of self-regulation mechanisms.

The activities of an independent judiciary play a key role in ensuring the principle of the rule of law. Judicial bodies are increasingly considered as a balancing element that performs a stabilizing function in relation to the legislative and executive branches of government. That is why the growing importance of the judicial system at the current stage of state formation actualizes the need to rethink the complex of issues related to the administration of justice [1, p. 27].

The study of case law as a source of law is inextricably linked with the understanding of the role and place of the judiciary in the system of the state mechanism. After all, it is the courts, administering

justice, that not only apply the norms of law, but also form legal positions that acquire significance for further law enforcement. Therefore, the question of the legal nature of case law and its impact on the development of the legal system is directly correlated with the problems of the functioning of the judiciary as an independent branch of state power.

Thus, the study of case law as a source of law naturally leads us to a broader problem – determining the place and role of the judiciary in the system of public administration. After all, the nature and significance of case law directly depend on the place occupied by the judiciary in the constitutional architecture of the state, what powers it is endowed with and how effectively its independence from other branches of power is ensured.

At the same time, understanding the functional purpose of the judiciary is impossible without addressing the fundamental principles of the organization of state power, the central place among which belongs to the principle of its division. It is this principle that determines the constitutional and legal boundaries of the activities of each branch of government, the mechanisms of their interaction and mutual control. Therefore, to fully understand the role of the judiciary and the importance of judicial practice in the legal system, it is necessary to examine the theoretical foundations of the concept of separation of powers, its genesis and modern understanding.

In this regard, it is advisable to consider doctrinal approaches to understanding the principle of separation of state powers, its historical evolution and the features of constitutional consolidation in modern democratic states, which will allow forming an appropriate theoretical basis for further analysis of the place of the judiciary in the mechanism of checks and balances.

From a theoretical point of view, D. Belov notes, the institutional analysis of the processes of "constitutional transit" should cover at least two key areas of research. The first concerns the mechanism of formation and formation of the institutional system of the state, the second - the substantive characteristics, specificity and effectiveness of the activities of the main subjects of this system in the process of social transformations in Ukraine. The above-mentioned issues are extremely relevant and require a comprehensive, systematic study using a synergistic approach and appropriate methodological tools. This is, in fact, about the formation of such an institutional constitutional system, which, according to its functional purpose, would be able to ensure orderly in time and space, coordinated and purposeful activity of all subsystems of society. Within the framework of this system, the behavior of participants in transformation processes should be adjusted and stabilized, as well as the appropriate adaptation of their worldview to new socio-political realities [2, p. 301].

Western scholars in the field of political science and law have formed a theoretical model of implementing the principle of separation of powers, aimed at preventing crisis phenomena in the functioning of the state mechanism. In particular, A. Schlesinger argued that ensuring equilibrium and balance between the branches of power is achieved through a mechanism of checks and balances, supplemented by the influence of a body of constitutional jurisdiction, which exercises constitutional control and official interpretation of the Basic Law. It is this system, according to the scientist, that ensures the effective functioning of the state apparatus, built on the principles of the division of powers. At the same time, the state power, which is unified by its nature, is subject to functional differentiation in order to achieve optimal efficiency of the state mechanism, which at the same time should be perceived as a holistic system [3, p. 9].

A characteristic feature of the modern stage of state formation, notes O. Prieshkina, is the contradictions between the branches of state power, primarily in the system of relations between the President, parliament and government. Such dynamics of political processes after the adoption of the Constitution objectively requires an appropriate response [4, p. 178]. In this regard, representatives of the scientific community and political figures of different ideological orientations have formed a consensus on the need to transform and optimize the model of state power organization. Yu. Shemshuchenko emphasizes the direct relationship between the problems of legislative regulation and issues of interaction between government institutions, noting that the parliament should play a more significant role in public life, in particular, form the composition of the government and bear joint responsibility with the central executive authorities for the processes of state transformations [5].

Improving the mechanism of checks and balances is gaining particular relevance and practical significance. M. Onishchuk justifies this need by the incompleteness of political transformations and the insufficient level of development of democratic institutions in Ukraine, the lack of a clear

relationship between the interests of citizens, the nation and the state, on the one hand, and the corporate goals of political parties, on the other, as well as the limited influence of civil society institutions on public authorities [6].

From the moment of its inception, state power and its functional implementation have become a powerful factor in ensuring social order and progressive development of society. In the conditions of traditional (modern) society, effective power is an unconditional carrier of the regulatory function, while in a postmodern society it plays a decisive role in the process of choosing alternative political courses and vectors of social development. The implementation of state and government activity is inextricably linked with the social conditions of its functioning, in particular with the need to coordinate the actions of subjects of social production, as well as ensuring control over the distribution and use of public goods and values [7, p. 4].

The historical and legal analysis of the genesis of the system of checks and balances carried out by D. Pecs gave grounds to assert that: firstly, the human community from the very beginning of the formation of public-power institutions objectively conditioned the emergence of elements of power limitation. This indicates that the mechanism of checks and balances is not an artificial theoretical construct, but is an organic continuation of the social essence of man and his desire for justice in power relations; secondly, the components of the system of checks and balances as an essential component of the state mechanism are derived from the level of social development at each historical stage. The evolution from elementary forms of power limitation in ancient Eastern civilizations through the democratic mechanisms of antiquity and the estate-representative institutions of the Middle Ages to the modern system of constitutional checks indicates a direct relationship between the level of democratization of society and the complexity of the mechanisms of power balancing; Thirdly, the objective need of society is the presence of mechanisms of public power that would ensure the social stability of the state system. Elements of checks and balances create conditions for mutual control of authorities and prevention of concentration of power, and also enable democratic adjustment of the competences of government institutions. In the conditions of modern globalization processes, this system needs constant improvement, while maintaining its role as a guarantor of democratic development and protection of human rights [8, p. 96].

The principle of separation of powers, notes I. Salo, constitutes the organizational and legal foundation of the functioning of state power in modern democratic countries. In accordance with this principle, state power is structured on the basis of the separation of legislative, executive and judicial branches, each of which is independent and autonomous. At the same time, it is worth emphasizing that modern states not only ensure the separation of powers between the branches of a single state power, but also pay significant attention to the mechanisms of their interaction. The key tool for the practical implementation of the principle of separation of powers and ensuring effective interaction between its branches is the system of checks and balances [9, p. 66].

The system of checks and balances is an integral part of the concept of the separation of state power as a form of its organization. The modern understanding of the principle of separation of powers and the mechanism of checks and balances defines them as basic elements of a democratic system and legal statehood, which guarantee an adequate level of political freedoms and protection of human and citizen rights. The level of practical implementation of these principles is an indicator of the maturity of a democratic state and is one of the key values of democratic governance [7, p. 8].

The formation of a modern mechanism of checks and balances is due primarily to the expansion of the functions of the state in the field of regulating social processes, the effective implementation of which is impossible without constant interaction between the branches of state power. According to V. Obraztsova, the introduction of the principle of separation of state powers, supplemented by a system of checks and balances, is aimed at forming such an institutional mechanism that would ensure the coordinated functioning of all bodies of a single state power. Some researchers, the scientist notes, point to the dualistic nature of the system of checks and balances: on the one hand, it promotes cooperation and mutual adaptation of government bodies, on the other hand, it creates the prerequisites for the emergence of conflicts, which are usually resolved through negotiations, reaching agreements and finding compromise solutions [10, p. 108].

The independence of the judiciary, according to V. Kotskulych, is one of the defining features of the rule of law and a developed civil society. The legal significance of the judiciary is manifested in the transformation of popular sovereignty into a special category with a national content. The place of the judicial branch of

power in the mechanism of checks and balances is revealed through the prism of its legislatively defined functions and methods of their practical implementation, the primary place among which is occupied by the administration of justice and the function of judicial control [11, p. 390].

The autonomy of the judiciary is directly correlated with its independence and autonomy. This, according to O. Lemak, means that the judicial bodies form a self-sufficient system of institutions that operates outside of any other state structures. However, such separation does not mean the isolation of the courts from the legislative and executive branches of government. Their interaction with other branches of government is carried out on the basis of legislative norms that ensure the independence of the judicial system as an organizationally independent institution. The guarantees of the independence of the court also serve as the generally binding nature of judicial decisions and legal liability for their failure to comply [12, p. 78].

From the standpoint of constitutional status, the judiciary is characterized by specific features that distinguish it from other branches of government both in terms of essential and functional parameters. In particular, unlike the legislative and executive branches, the judiciary is not concentrated in a single body, but is implemented by a set of judicial institutions of different levels - from local to higher (supreme), which function as an integral system of justice bodies in Ukraine. In addition, the judiciary is endowed with the functions of constitutional supervision and judicial control over compliance with the law in the activities of other branches of state power [13, p. 39]. At the same time, the position of M. Kutsyn is correct, who notes that the defining feature of power in general and the judiciary in particular is the strict compliance of judicial institutions and judicial procedures with the requirements of the law [14, p. 156]. After all, any violation of the procedure for determining a judge in a case or failure to comply with procedural norms during its consideration calls into question the fairness and impartiality of the court decision, which negatively affects the level of public trust in the judicial branch of power [13, p. 40].

Analyzing the role of the judiciary in its relations with other branches and the mechanisms of its influence on them, it is worth supporting the position of Yu. Remyeskova, who emphasizes the need to take into account the functional distribution of the main areas of state activity between the highest authorities. The judiciary plays the role of a kind of "balancer", ensuring balance between the branches of power and the smooth functioning of the system of checks and balances on the principles of the rule of law. At the same time, any form of interaction between the branches of power must be carried out with mandatory observance of the principle of independence of courts and judges [17, p. 39].

5. Conclusions.

The analysis conducted allows us to state that the system of checks and balances is an organic component of the doctrine of the separation of state powers and the basic principle of the organization of a modern democratic state. This mechanism encompasses a set of normatively defined powers, instruments, methods and procedures, the main purpose of which is to practically implement the principle of delimiting a single state power, prevent the concentration of power in one branch and maintain a stable balance between them. The formation of a modern model of checks and balances is associated with the expansion of state functions in the field of managing social processes, the effectiveness of which depends on systematic coordination and mutual control between the branches of state power.

The judiciary occupies a unique position in the mechanism of checks and balances, playing the role of an arbitrator and ensuring a balance between the legislative and executive branches of power. Its peculiarity lies in the fact that, unlike other branches, it functions not through a single body, but through an extensive network of judicial institutions of various instances, which form a holistic organizationally autonomous system. The main functions of the judiciary in the system of checks and balances are the administration of justice, the exercise of constitutional supervision and control over the observance of legality in the activities of other government institutions, which guarantees the stable functioning of the state apparatus on the principles of the rule of law.

The independence and autonomy of the judiciary are key conditions for the full implementation of its balancing role in the system of separation of powers. The guarantees of this independence are the institutional separation of courts from other state authorities, the mandatory execution of court

decisions, legal liability for evasion of their execution, as well as strict compliance with regulatory requirements for the organization of judicial bodies and judicial procedures. The relationship of the judiciary with other branches of government should be based on unconditional adherence to the principle of independence of courts and judges, which serves as a guarantee of fair and impartial justice and forms an appropriate level of public trust in the judicial system.

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VISEGRAD JOURNAL ON HUMAN RIGHTS – No 4, 2025

Publisher

Uzhhorod National University
Faculty of Law
Kapitul'na, 26 Uzhhorod

Public organization
«LEX PRO OMNES»
Mierová, 2529 Humenné

Public organization
«Association of International
Educational and Scientific Cooperation»
Kapitul'na, 26 Uzhhorod

ISSN 1339-7915

Layout:
Ivanna Polianska