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FOREWORD

The present issue of LEGAL HORIZONS (Volume 28, Issue 1) brings together a collection of scholarly contributions that reflect the evolving challenges of law in conditions of profound societal transformation, particularly those shaped by armed conflict, technological advancement, and institutional change. The articles included in this issue offer both doctrinal insights and practical perspectives, addressing pressing questions at the intersection of public administration, human rights, criminal justice, and economic regulation.

The issue opens with the work of Mammadova, "**OBLIGATION OF PROOF OF THE ADMINISTRATIVE BODY IN ADMINISTRATIVE PROCEEDINGS,"** which contributes to the ongoing discourse on procedural fairness and accountability in public administration, emphasizing the importance of evidentiary standards in safeguarding individual rights.

Stepanenko and Dobrova, in their article **"THE MECHANISM FOR PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN UKRAINE,"** address a topic of acute relevance in the context of ongoing armed aggression. Their research highlights both the achievements and the systemic gaps in the existing legal framework, offering pathways for strengthening institutional responses to displacement.

In the article **"MEASURES TO PREVENT THEFT OF OTHER PEOPLE'S PROPERTY IN A STATE OF WAR,"** Sobko and Puiko focus on the transformation of criminal behavior during wartime and propose targeted preventive strategies adapted to extraordinary legal regimes.

Kubrak, in **"IMPLEMENTATION OF GUARANTEES FOR THE PROTECTION OF CHILDREN'S RIGHTS THROUGH THE PRISM OF THE PRINCIPLES OF ENFORCEMENT PROCEEDINGS,"** explores the practical realization of fundamental rights, emphasizing the role of enforcement mechanisms in ensuring effective legal protection for vulnerable groups.

The economic dimension of martial law is examined by Gerasymenko in the article "**THE IMPACT OF MARTIAL LAW ON ECONOMIC ACTIVITY IN UKRAINE,"** which provides a comprehensive assessment of regulatory adaptations and their implications for business continuity and economic resilience.

Sydor and Perepadin, in **"CURRENT ISSUES IN LEGAL PREVENTION AND COUNTERACTION OF CRIME IN THE FIELD OF INFORMATION TECHNOLOGIES,"** address the growing significance of digital security and the need for adaptive legal frameworks in response to rapidly evolving technological threats.

Gradun presents an insightful study in **"CRIMINAL ANALYSIS AS A TOOL FOR INCREASING THE EFFICIENCY OF PRE-TRIAL INVESTIGATION IN CASES OF SERIOUS CRIMES,"** demonstrating the potential of analytical methodologies to improve both effectiveness and procedural quality in criminal justice.

Finally, Ishchenko, in **"FEATURES OF CIVIL SOCIETY INSTITUTIONS' PARTICIPATION IN COMBATING CORRUPTION IN UKRAINE DURING ARMED AGGRESSION,"** highlights the importance of civic engagement and institutional cooperation in maintaining transparency and accountability under extraordinary conditions.

Collectively, the contributions in this issue illustrate the resilience and adaptability of legal scholarship in addressing contemporary challenges. They reaffirm the vital role of law as both a stabilizing force and an instrument of transformation in times of crisis. The editorial board expresses its gratitude to the authors for their valuable contributions and to the reviewers for their rigorous and thoughtful evaluations.

We hope that this issue will serve as a meaningful resource for scholars, practitioners, and policymakers, and will stimulate further research and dialogue on the critical issues shaping the future of law and society.

— Editorial board,
LEGAL HORIZONS

Anatolii Shevchenko,
Editor-in-Chief
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OBLIGATION OF PROOF OF THE ADMINISTRATIVE BODY IN ADMINISTRATIVE PROCEEDINGS

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Abstract

The Law of the Republic of Azerbaijan "On Administrative Proceedings" is a general law regulating relations arising in connection with administrative proceedings. The adoption of this law played an important role in solving existing problems arising in this area and, by reflecting legal principles and main directions, ensured legal uniformity for all administrative bodies. The said law contains two main goals, which are the provision of human rights and freedoms, which are accepted as the main principle and beginning of law, and the rule of law. The fact that the relations between the administrative body and the citizen constitute general relations (relations of subordination) makes the provision of human rights and freedoms inevitable. This is due to the fact that the administrative body should not interfere with the rights and freedoms of citizens protected by law by abusing its duties and powers. The provision of human rights and freedoms has been accepted as the main principle of every legal state. As is known, administrative proceedings regulate the imperative relations between the administrative body and interested persons. These relations are regulated by the administrative procedural rules established by law. Administrative proceedings are carried out on the basis of certain stages. One of these stages is related to the investigation and determination of facts. The duty to investigate and prove those facts falls on the administrative body. The article reflects the means of proof, the obligation of the administrative body and the relations arising from this with the interested person.

Key words: administrative proceedings; proof; interested person, administrative act

Introduction

Administrative activity occupies a central position within the system of state functions, traditionally being distinguished from legislative and judicial powers. In a theoretical sense, it encompasses all forms of state action aimed at ensuring the continuous functioning of public administration and satisfying the ongoing needs of society (Åhman, 2020). Such activity includes the implementation of laws, the provision of public services, and the regulation of social relations through administrative acts. While classical doctrine often equates administrative activity with the functions of the executive branch, this identification requires clarification. Executive bodies may engage not only in administrative (managerial) functions but also in political decision-making, which falls outside the scope of administrative activity in its strict sense. Therefore, administrative activity should be understood as a functional category that excludes purely political actions and focuses on the practical realization of public tasks (Mehdıyev, 2010). At the same time, administrative

activity is not limited exclusively to executive authorities. From a material or functional perspective, legislative and judicial bodies may also perform administrative functions, particularly in relation to internal organizational matters, personnel management, or the provision of auxiliary services. This broader understanding highlights the complexity and universality of administrative functions within the state apparatus and underscores the necessity of establishing clear legal frameworks governing their exercise. As noted in administrative law doctrine, the extension of judicial review to both central and local government decision-making further confirms the relevance of administrative procedures across different branches of power (Leyland, 2016).

Within this institutional and functional context, administrative proceedings emerge as a key legal mechanism through which administrative bodies exercise their powers. According to the Law of the Republic of Azerbaijan "On Administrative Proceedings," administrative proceedings encompass the adoption, execution, amendment, or cancellation of administrative acts, as well as other procedural actions undertaken by administrative authorities in accordance with established legal rules. These proceedings may be initiated either upon the application of individuals or legal entities or on the initiative of administrative bodies themselves. Such dual grounds for initiation reflect the hybrid nature of administrative proceedings, combining elements of responsiveness to private interests with proactive governance in the public interest.

Administrative proceedings are structured as a последовательний (sequential) process consisting of several interconnected stages. These typically include the initiation of proceedings, the determination and investigation of factual circumstances, and the adoption of a final administrative act. Each of these stages serves a specific function and contributes to the overall objective of ensuring lawful, fair, and reasoned administrative decision-making (Boulanger-Bonnelly and Otis, 2021). Among them, the stage of establishing factual circumstances occupies a particularly significant place, as it directly affects the legality and validity of the administrative act ultimately adopted.

The determination of facts in administrative proceedings is closely linked to the concept of proof and the allocation of the burden of proof (Craig, 2021). Unlike adversarial judicial proceedings, where the parties bear the primary responsibility for presenting and proving their claims, administrative proceedings are characterized by the leading role of the administrative body. This reflects the principle of official investigation, according to which the administrative authority is obliged to independently examine the factual circumstances of the case in an objective and impartial manner. Consequently, the burden of proof in administrative proceedings largely rests with the administrative body, which must collect, verify, and evaluate the evidence necessary for making a lawful decision.

This allocation of the burden of proof is closely connected to fundamental principles of administrative law, particularly the protection of human rights and the rule of law. Administrative bodies operate within relationships of subordination vis-à-vis individuals and legal entities, which creates an inherent imbalance of power. In such circumstances, placing the primary responsibility for establishing the facts on the administrative authority serves as an important safeguard against arbitrariness and abuse of power. It ensures that individuals are not unduly burdened with proving circumstances that fall within the competence or resources of the state, thereby strengthening the protection of their rights and legitimate interests (Elliott and Thomas, 2020).

At the same time, the role of interested persons in administrative proceedings should not be underestimated. Although the administrative body bears the principal responsibility for investigating the facts, effective proceedings often require the active participation and cooperation of individuals and legal entities (Jurkeviča and Šmits, 2017). They may provide documents, explanations, or other forms of evidence necessary for clarifying the

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circumstances of the case. In certain situations, the absence of such cooperation may hinder the administrative body's ability to establish the relevant facts, which, in turn, may affect the outcome of the proceedings. Therefore, the evidentiary process in administrative law should be understood as a dynamic interaction between the administrative authority and the interested persons, rather than a purely unilateral activity.

Another important feature of administrative proceedings is the relative flexibility of evidentiary rules. Unlike judicial processes, which are typically governed by strict procedural requirements regarding the admissibility and evaluation of evidence, administrative proceedings operate under the principle of informality (Frumarová, 2022). This allows administrative bodies to use a wide range of evidentiary means, including documents, witness statements, expert opinions, and information obtained from other authorities. At the same time, such flexibility must be balanced by the obligation to ensure objectivity, impartiality, and transparency in the assessment of evidence. The principle of free evaluation of evidence requires the administrative body to consider all relevant circumstances and to base its decision on an internal conviction formed through a comprehensive analysis of the available information (Khudair, 2025).

In light of the above, the obligation of proof of the administrative body represents a fundamental element of administrative proceedings, reflecting both their procedural specificity and their underlying normative values. The proper allocation and implementation of this obligation play a decisive role in ensuring the legality, fairness, and effectiveness of administrative decision-making.

This article aims to examine the legal nature, scope, and practical implications of the obligation of proof of administrative bodies in administrative proceedings. It analyzes the types and means of evidence, the principles governing their collection and evaluation, and the interaction between administrative authorities and interested persons within the evidentiary process. The study is structured into an introduction, two main sections, and a conclusion, each addressing key aspects of the burden of proof in administrative law and contributing to a deeper understanding of its role in modern administrative governance.

Materials and Methods

Article 28 of the Law of the Republic of Azerbaijan "On Administrative Proceedings" sets out the grounds for initiating administrative proceedings. Thus, according to that article, the grounds for initiating administrative proceedings are as follows:

a) an application by an individual or legal entity;

b) the initiative of an administrative body or, in cases provided for by law, the duty of an administrative body to adopt an administrative act;

c) an administrative complaint in the event of a complaint against an administrative act.

In the event of an application by an individual or legal entity or a complaint against an administrative act, administrative proceedings shall commence from the moment of registration of the application or complaint, respectively. Initiation of administrative proceedings on the basis of an application by an interested person is also called "application proceedings". In this case, granting certain rights to an interested person or eliminating the obligations imposed on him shall be carried out only on the basis of his application. For example, issuing licenses. According to Article 29 of the same Law, unless otherwise provided for in the legislation of the Republic of Azerbaijan, the application shall be submitted by the interested person to the relevant administrative body authorized to adopt an administrative act on the issue raised in the application in person or sent by post or electronically. The

determination of the period and grounds for initiating administrative proceedings is related to the implementation of administrative proceedings within the period established by law and the provision of the opportunity to use legal remedies in a timely manner. If the interested person submits the application in person, the administrative proceedings shall be registered on the same day. When the application is sent by post or electronically, the registration of the interested person's application shall depend on the administrative body. Administrative proceedings shall be considered initiated from the time the interested person's application is registered.

In any case, the administrative body cannot refuse to accept the application received by it. The period of administrative proceedings begins from the moment of accepting the application of the interested person. Failure to register the application of the interested person is considered a violation of the law, and the remedies for the interested person are determined by law. Thus, in cases where, according to Article 39.1 of the Code of Administrative Procedure, a decision is not made by the relevant administrative body within the period established by law and without sufficient grounds on an application for the adoption of an administrative act or a complaint filed with the appeal instance, a claim is not allowed to be filed in court until 35 days have passed from the date of filing the application or the complaint (except for cases where a shorter or longer period is established by law). In the event that the application of the interested person is canceled or withdrawn, the initiation or continuation of administrative proceedings will be considered an illegal act or action of the administrative body.

Using this framework, I first analyze the choice of administrative bodies between adopting a rule and making a decision. Since each firm knows its own circumstances, the policy-making decision tool can predict how the administrative body will use this information in a future decision, taking this prediction into account in its current course of action. Thus, judgment is a way for agencies to use the information they currently lack but do have to tailor policy narrowly to each firm's circumstances and to influence the current actions of firms (Givati, 2014).

At the stage of the actual administrative decision-making, it is now almost universally accepted that the affected party or parties must be given notice. Therefore, the formal decision-making procedure has almost always adopted the judicial principle of fair notice to the parties (Mukharji, 2020).

As long as the law establishes the filing of an application as a prerequisite for the initiation of proceedings, the interested party has the right to request the administrative authority not to initiate proceedings until he so requests, or rather, until he has filed an application. The interested party may also defend this request in court. If any proceedings have been initiated and it subsequently becomes clear that filing an application is necessary for the continuation of the proceedings, and the interested party does not file or refuses to file such an application, then the proceedings must be suspended (Karimov, 2006).

An interested person shall submit a written application to an administrative body upon application. The form and content of the application shall be regulated by the Law “On Administrative Proceedings”. Submission of the application in written form shall be considered one of its mandatory requirements. The application shall also be submitted in electronic form. Preparation of the application in accordance with the requisites established by the legislation shall determine the minimum requirements for the application submitted by the interested person to the administrative body upon application. According to Article 30.4 of the Law of the Republic of Azerbaijan “On Administrative Proceedings”, if the application does not meet the requirements stipulated in this Article, the administrative body shall set a short period for making amendments to the application in accordance with those requirements and shall explain to the applicant the legal consequences of failure to

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comply with the formal requirements. According to Article 30.5 of the Law, if it is possible to obtain documents or information that must be attached to the application by law by the administrative body from the relevant state body (institution) through the Electronic Government Information System, such documents or information shall not be required from the applicant. In cases where it is not possible to obtain such documents or information through the Electronic Government Information System, their submission shall be requested from the relevant state body (institution) upon request with the consent of the applicant or shall be provided by the applicant. These documents may be submitted on paper or in the form of an electronic document in accordance with Article 32.4 of this Law. Article 30.5 of the Law was added by the Law No. 727-VIQD dated December 20, 2022 on Amendments to the Law of the Republic of Azerbaijan "On Administrative Proceedings". The essence of this article is to minimize the abuse of formal requirements by the administrative body. At the same time, it prevents interested persons from being subjected to procrastination when applying. Further, it is prohibited by law to request information and documents that the administrative body can obtain through the Electronic Government Information System when applying for interested persons. Thus, the acceleration of the exercise of the rights of interested persons and the elimination of the denial of the rights of interested persons based on formal requirements are ensured.

According to Article 32 of the Law of the Republic of Azerbaijan "On Administrative Proceedings", the administrative body shall check the compliance of the application with the requirements stipulated in Article 30 of this Law within three days. If the applicant fails to submit the documents or information stipulated in the law and other regulatory legal acts and necessary for the resolution of the case, the administrative body may, taking into account the requirements of Article 32.2-1 of this Law, request the submission of additional documents or information. The administrative body may not require the applicant to obtain documents or information that are necessary for the administrative proceedings and are at the disposal of another administrative body. The administrative body shall obtain documents or information that are necessary for the administrative proceedings and are at the disposal of another administrative body. The administrative body shall require the applicant to obtain such documents or information in accordance with the Code of Administrative Offenses of the Republic of Azerbaijan. According to Article 594 of the Code of Administrative Offenses, violation of the legislation on administrative proceedings, namely:

a) adoption of decisions aimed at unjustified restriction of the rights and freedoms of individuals or legal entities during the exercise of discretionary powers by an administrative body, or refusal to adopt a relevant decision on the basis of non-compliance with formal requirements by individuals or legal entities in cases not directly provided for by law, or refusal to accept documents submitted by individuals or legal entities due to obvious and correctable errors made during writing and calculation;

b) failure by an administrative body to provide samples of applications and other forms (blanks) related to administrative proceedings to an individual or legal entity upon his or her request;

c) participation of an official representing the interests of an administrative body in administrative proceedings and failure to object to it in cases provided for in the Law of the Republic of Azerbaijan "On Administrative Proceedings" or participation of an expert, specialist or translator in administrative proceedings in cases where participation is not allowed under that law;

d) failure to provide or send a reference to the applicant on the date and number of registration of the application by the administrative body within 3 days from the date of receipt of the application, or failure to check the application again in cases provided for by law and failure to adopt a relevant decision on the application, or refusal to accept

applications, complaints or petitions submitted by persons participating in administrative proceedings and whose consideration falls within its jurisdiction due to their irrelevance or groundlessness, or request from the interested person any other information in addition to that provided for by the legislation;

e) request from the applicant by the administrative body to obtain documents or information necessary for administrative proceedings and at the disposal of another administrative body;

f) failure of the administrative body to provide information to interested persons or their representatives on the adoption of an administrative act, amendments to an administrative act, revocation, cancellation, modification or invalidation of an administrative act in accordance with the procedure provided for by law;

g) failure of the administrative body to notify persons participating in administrative proceedings about the time and place of the meeting on administrative proceedings;

h) failure of the administrative body to adopt a decision on the adoption or refusal to adopt an administrative act within the period established by law or failure to send an administrative complaint and materials related to the proceedings to the appeal instance within 3 days shall entail a fine of three hundred and fifty to six hundred manats.

The administrative body may not request any other documents or information from the applicant than those provided for in the legislation of the Republic of Azerbaijan. Unless otherwise provided by law, the period set by the administrative body for the submission of additional documents or information shall not exceed 15 days. Unless otherwise provided by law, if additional documents or information are not submitted to the administrative body within the period provided for in Article 32.4 of this Law, the period for consideration of the application shall be suspended. The period shall be resumed from the moment additional documents or information are submitted to the administrative body.

Results and Discussion

From the moment of adoption of the decision on initiation of administrative proceedings by the administrative body or the performance of relevant procedural actions, it takes appropriate measures in connection with the conduct of administrative proceedings. Before the adoption of an administrative act, the administrative body may invite an interested person to participate in the case, an examination may be carried out at its own expense or at the expense of the interested person, witnesses may be summoned, etc.

Unlike procedural legislation, the Law on Administrative Proceedings regulates the rules on legal succession in general terms. This applies to both universal legal succession (inheritance, transfer of property, etc.) and syndical legal succession (with the transfer of a right on the basis of any contract). Therefore, issues of legal succession in administrative proceedings are resolved under the dictates of the rules of the relevant substantive law. That is, the principle of accessoryity is in force in an administrative act: if substantive law allows for succession, then legal succession is allowed in administrative proceedings (Karimov, 2006).

During the conduct of administrative proceedings, the administrative body must ensure the participation of persons determined by law. This is considered the duty of the administrative body. According to Article 36.1 of the Law of the Republic of Azerbaijan “On Administrative Proceedings”, the following persons are considered participants in administrative proceedings:

- the administrative body conducting the administrative proceedings and having the authority to adopt the relevant administrative act;

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- individuals or legal entities in respect of whom an administrative act is intended to be adopted or who have applied for the adoption of an administrative act;
- individuals or legal entities involved in the proceedings as participants by the administrative body.

Only persons who have reached the age of majority and have full legal capacity have the right to apply for an application and perform other procedural actions in administrative proceedings. In cases where it is assumed that the administrative act to be adopted will directly affect the rights and legally protected interests of other individuals or legal entities, the administrative body is obliged to ensure the participation of these persons in the proceedings as third (interested) persons. If the administrative act to be adopted affects the legally protected interests of third parties, the administrative body may involve them in the proceedings as participants on its own initiative or at the request of those persons. Third parties involved in the proceedings as participants have all the rights and obligations of the participants in the proceedings. If a third party whose participation is mandatory is involved in the proceedings, the administrative act adopted at the end of the proceedings becomes valid in relation to him and creates rights and obligations for him. The provisions of substantive law on legal succession shall apply in administrative proceedings. The transfer of rights directly related to the personality of a participant by legal succession shall not be allowed.

Participation in administrative proceedings is divided into 3 parts: a) mandatory participation and b) ordinary involvement. When we say mandatory participation, it is considered directly the duty of the administrative body to involve those participants in the administrative proceedings. The essence of mandatory participation is that the conduct of administrative proceedings is related to the "direct impact on interests protected by law". Here, the obligation to ensure the participation of persons in administrative proceedings as a prerequisite is also understood as a limitation of the discretionary powers of the administrative body. Here, at the same time, the direct impact of the administrative act on the person is accepted as a prerequisite for the mandatory participation of a person, that is, the creation of rights related to him, change or cancellation of his rights. The law provides for the participation of interested persons as a mandatory condition. However, in practice, taking into account the specifics of the activities of the administrative body, it is not possible to ensure the participation of interested persons in administrative proceedings. For example, the State Social Protection Fund, a public legal entity, assigns labor pensions or social benefits to citizens as an administrative body. However, their participation is not ensured when assigning social payments to citizens. Because for factual reasons it is impossible to ensure the participation of all citizens in the determination of social payments. In special cases, the participation of interested persons is ensured when restricting or canceling the rights of citizens. One of the main procedural principles of administrative proceedings is the provision of participation of interested persons in administrative proceedings. According to Article 21 of the Law of the Republic of Azerbaijan "On Administrative Proceedings", unless otherwise provided by the Law, the administrative body must inform the interested person or his representative about the administrative proceedings and ensure his participation in the case. Unless otherwise provided by the Law, before adopting an administrative act, the administrative body is obliged to inform the interested persons or their representatives about its content, in particular the established factual circumstances of the case and the measures envisaged in connection with that case, and to hear their opinions on this. The administrative body may refuse to hear the interested persons or their representatives in the following cases:

- when it is intended to adopt an administrative act that fully satisfies the requirements of interested persons;
- when it is necessary to immediately adopt an administrative act in connection

with the prevention or elimination of a threat that may harm public or state interests;

- when holding a hearing may lead to the postponement of the period for the adoption of an administrative act;
- when it is intended to adopt a general order or a large number of administrative acts with identical content or administrative acts through automatic devices;
- when it is intended to adopt an interim administrative act that cannot be independently appealed against;
- when it is intended to apply measures related to the mandatory execution of administrative acts.

Ordinary involvement means that the participation of persons in administrative proceedings is carried out on the initiative of the administrative body or on the basis of the petition of other persons. In this case, participation in administrative proceedings is carried out on the basis of the discretionary powers of the administrative body.

According to Article 37 of the Law of the Republic of Azerbaijan "On Administrative Proceedings", an individual or legal entity (interested person) may participate in administrative proceedings in person or be represented by a representative. The personal participation of an individual in administrative proceedings does not deprive him of the right to be represented by a representative in that case. The powers of the representative are confirmed by a power of attorney formalized in accordance with the legislation of the Republic of Azerbaijan. The representative has the right to perform all procedural actions related to the proceedings on behalf of the person he represents. Individuals who are considered incapacitated or have limited capacity to act are represented in administrative proceedings by their legal representatives. Legal representatives must submit a document confirming their powers to the administrative body. Legal representatives may assign another person they choose to participate in the proceedings as a representative. The representative is obliged to conscientiously defend the interests of the person he represents. The administrative body is represented in administrative proceedings by the head of that body, his deputy, or another official appointed by the head of that body. Unless otherwise provided by law, the administrative body shall address a representative on all issues related to administrative proceedings.

According to Article 38 of the same Law, an interested person has the right to be represented by a lawyer in administrative proceedings and to use the assistance of a lawyer. Lawyers acting in accordance with the procedure established by the legislation of the Republic of Azerbaijan may participate in administrative proceedings as lawyers.

During the conduct of administrative proceedings, an administrative body may, on its own initiative or at the request of interested persons, provide for the conduct of an expert examination or the participation of a specialist in order to investigate the factual circumstances of the case. According to Article 63.1 of the Code of Civil Procedure, a person who has special knowledge, is deemed necessary to give an opinion in the cases provided for by this Code, is appointed by the court or has concluded an agreement with persons participating in the case on conducting an expert examination may act in court as an expert. According to Article 64.1 of the same Code, a person who has the necessary technical, other knowledge and understanding to assist the court in the consideration of the case may act in court as an expert.

Experts and specialists are persons who have special knowledge and assist the administrative body in the investigation of a specific case by applying that special knowledge and giving an opinion in making a decision. In administrative proceedings, unlike criminal proceedings, the distinction between an expert and a specialist in terms of the traditional functions of "assistance" and "giving an opinion" is not a rule for administrative proceedings (Karimov, 2006).

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As discussed, witnesses in court are generally only allowed to state their observations; they are not allowed to express their opinions except on matters within their knowledge. This is because if the witness does not have the special knowledge or experience to interpret the facts or observations, the judge is in as good a position as the witness to form an opinion as to the meaning or significance of the evidence, and therefore the witness's opinion is of no importance to the court. Opinion evidence is often harmless in a trial, because an experienced judge will appreciate its limitations and exclude the evidence from the final decision. However, as a precaution, if an ordinary witness is allowed to give his opinion, the opposing party's representative will likely object. Under the rules of evidence, opinions given by experts may be excluded. An expert witness is a person who, by virtue of his training or experience in any field, has an understanding of the subject matter on which he is testifying that is beyond the general public's understanding. Whether the person's knowledge and understanding are sufficient to justify the admission of the opinion depends on the circumstances of each case. Therefore, courts usually hold a hearing before deciding whether to allow an expert to give an opinion. Although they are not required to do so, many tribunals also use hearings when deciding whether to listen to expert opinions (5).

As can be seen, the administrative body does not have special knowledge and it is necessary to invite an expert who needs special knowledge to investigate the relevant case. The participation of experts and specialists is carried out on the initiative of the administrative body or on the basis of a petition from an interested person. In this case, the administrative body makes a decision to conduct an examination or to involve an expert in administrative proceedings. When inviting an expert or specialist, the administrative body itself determines the range of questions to be presented to them. Of course, in this case, the interested person may propose to ask the expert or specialist questions that he considers necessary to clarify. The costs of conducting an examination, as well as the payment of the expert or specialist's fee, are paid by the administrative body.

One of the procedural principles of administrative proceedings is the principle of objective investigation of the circumstances of the case. In accordance with the essence of this principle, it is the duty of the administrative body to obtain evidence in administrative proceedings for the purpose of an objective and impartial investigation of the factual circumstances of the case.

Evidence is a means used to confirm any assumption or alleged opinion. The role of evidence in administrative proceedings is different from that in administrative proceedings. If in administrative proceedings the parties bring evidence to create confidence in the judge, in administrative proceedings the administrative body uses it to create confidence in itself, or rather to be confident in the objective investigation of the circumstances of the case. True, the interested person also tries to convince the administrative body (similar to the attitude towards the judge in court) with the evidence he brings. But this should not be considered more as auxiliary actions. The collection of evidence and ensuring its reliability should be the result of the actions taken by the administrative body itself (Karimov, 2006).

Physical evidence includes test results, documents, photographs, video recordings, films and other objects. The key to establishing the reliability of physical evidence is to demonstrate that the object in question is genuine and has not been altered. The most effective way to do this is to ask the person who collected or created the object to participate as a witness and verify that the object has not been altered from the time it was collected or created until the time it was presented to the court. Alternatively, a witness who is familiar with the object and can prove that it has not been altered after the events in question can be called (Nastasi et al., 2020)

Although the legislation does not provide for an unambiguous definition of documents, a document is understood to mean an object in written or electronic form submitted by state authorities or other institutions. Statements of the parties and third

parties involved in the case may be considered as a means of proof by the administrative authority. However, it should be noted that administrative legislation does not provide for liability for making false statements in the relevant statements. For this reason, the assessment of the above explanations as a means of proof may prevent an objective and impartial examination of the case. Witness statements, on the other hand, express information about any circumstances or facts of persons not participating in the case. The main nuance here is that these statements must be given by persons not participating in the case. In order to ensure the objectivity and impartiality of the case, persons participating in the case cannot be questioned as witnesses. The conduct of examinations and their assessment as evidence is carried out on the basis of mutual consent of the parties. Expert opinions are considered evidence in administrative proceedings as well as in procedural legislation. Expert opinions are considered opinions adopted by persons with special knowledge by applying their special knowledge. References submitted by other administrative bodies in the form of legal assistance are considered as a type of evidence in administrative proceedings. References submitted in the form of mutual assistance between administrative bodies are considered.

Administrative proceedings benefit from the presumption of certainty and fairness, but this does not mean that such reports shift the burden of proof to the citizens. According to the Supreme Court, such a presumption is limited to undisputed objective facts directly stated by the officials. It will never benefit from simple global considerations, assessments or legal regulations. (STS of 1996). Article 137.3 of the LRJPAC expressly states the presumption of innocence when it comes to disciplinary procedures. Consequently, the facts reported by the officials conducting the investigation will be accepted as evidence, despite any evidence to the contrary by the citizens. Thus, the former are not more valuable than the latter. Both must be assessed equally by the acting authority. In short, what we have here is only a rebuttable presumption, an accusation or incriminating evidence that can be perfectly undermined by other evidence (pruebas de descargo) presented by the defense. Decisions that reject evidence presented by citizens or even refuse to open the evidentiary phase may lead to the annulment of the definitive declaration. To have such effect, either the resulting decision must create a lack of defense or it may be stated that the decision will be different. According to LRJPAC 80.2, the evidentiary period will last between 10 and 30 days. The taking of evidence (práctica de la prueba) must be carried out in accordance with civil law (CC and LEC). It is clear that each piece of evidence must be discussed by the parties, since administrative proceedings are adversarial (Giménez, 2013).

The most relevant evidence in the Spanish legal system is:

- Public or private documents.
- Confession.
- Personal examination.
- Experts/expert witness (prueba pericial).
- Witness evidence.
- Rebuttable-irrebuttable presumptions (prueba por presunciones).
- Circumstantial evidence (prueba por indicios)

The burden of proof or the duty of proof is the obligation to provide sufficient evidence to prove the disputed point. The standard of proof refers to the amount and type of evidence that will be considered sufficient to prove an idea. During administrative proceedings conducted on the basis of an application by an interested person, the burden of proof falls on the parties.

The interested person aims to achieve the adoption of an administrative act by the administrative body regarding the interested person by submitting the necessary documents and other evidence. At the same time, the participation and assistance of the

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parties in the case is needed in order to investigate and prove the factual circumstances. For example, a medical examination of a person with a disability at the Medical-Social Expertise and Rehabilitation Agency. If the interested person does not undergo the appropriate examination, it will not be possible for the administrative body to determine his disability. At the same time, it should be taken into account that if the interested person cannot obtain the evidence he needs, he applies to the administrative body with a petition (Milkov and Radošević, 2024). In this case, the main duty of the administrative body is to consider and satisfy that petition. The administrative body cannot refuse to consider that petition without any reason. The duty to prove the authenticity of the documents submitted by the interested party cannot be imposed on him. The mentioned provision has found its place in administrative legislation. The administrative body is obliged to investigate and prove the authenticity of the document submitted to it. This, of course, reflects the essence of the presumption of reliability in the conduct of administrative proceedings.

According to Article 47 of the Law of the Republic of Azerbaijan "On Administrative Proceedings", the administrative body evaluates the evidence in accordance with all factual and legal circumstances that are important for the case. At the request of the interested parties, the administrative body is obliged to provide them with an explanation or comment on all facts, evidence or proofs that it intends to justify the administrative act it will adopt, as well as on the legal basis it proposes for the adoption of the administrative act.

Unlike the administrative process, the principle of informality of the evidence process is valid for administrative proceedings. The administrative body determines the question of which circumstances of the case are important for the proceedings based on its discretion. That is, unlike the administrative process, the administrative body, not the parties, takes on the leading role in determining the circumstances of the case (Karimov, 2006).

The principle of free assessment of evidence is not dependent on the rules of evidence when the administrative body independently examines the factual circumstances of the case, as well as evaluates and compares the evidence. The administrative body must examine all the arguments to be taken into account with internal certainty and evaluate the means of proof on the basis of general principles**.**

4. Conclusions

Considering that the administrative body has a leading role in determining the factual circumstances of the case in administrative proceedings, the burden of examining and evaluating the evidence in the case falls on the administrative body. In practice, in order for the administrative body to consider the rights of the interested person more promptly and in a timely manner during the investigation of the case, there are cases where the administrative body does not obtain evidence from the interested person.

In terms of the presumption of authenticity, the authenticity of the documents submitted by the interested person must be proven by the administrative body. However, it should be taken into account that the administrative body conducting an investigation in relation to thousands of interested persons may lead to an extension of this period.

From this point of view, a regulation should be established for the independent conduct of administrative proceedings without granting the administrative body superior rights in the relations arising between the administrative body and the interested person.

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THE MECHANISM FOR PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN UKRAINE

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Abstract
The article examines the mechanism for protecting the rights of internally displaced persons (hereinafter – IDPs) in Ukraine in the context of full-scale war and post-war transformations. The author emphasizes that, despite the existence of a legal framework, in particular the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" adopted in 2014. Based on the analysis of scholarly sources and regulatory legal acts, the main problems in the implementation of IDP rights are identified, including the absence of a comprehensive model of legal protection, difficulties in accessing housing, employment, social and educational services, as well as weak integration of displaced persons into host communities. Particular emphasis is placed on the inconsistency of the national protection system with European human rights standards and the lack of effective mechanisms for the implementation of international conventions. A comparative analysis of international experience (Kenya, Nigeria, Ethiopia) has shown that effective protection of IDP rights is possible only through the integration of legislative, institutional, and socio-economic measures, as confirmed by the practice of implementing the Kampala Convention and the case law of the European Court of Human Rights. The article substantiates the need to modernize Ukraine's mechanism for protecting the rights of displaced persons by harmonizing national legislation with international norms, strengthening the institutional capacity of public authorities, expanding the role of local self-government, introducing comprehensive integration programs, and actively engaging civil society. The article also highlights the role of judicial practice and law enforcement in shaping real guarantees for the protection of IDP rights, in particular through the analysis of national court decisions and administrative procedures that directly affect displaced persons' access to effective legal remedies. Particular attention is paid to the issue of access to legal aid for IDPs as a key element in ensuring the principle of equality and non-discrimination in the context of armed conflict. It is concluded that only an interdisciplinary approach combining legal, managerial, and social instruments can ensure real, rather than formal, protection of IDP rights in Ukraine.

Keywords: internally displaced persons; human rights; legal protection; social integration;

international standards; European experience..

1. Introduction

The protection of the rights of internally displaced persons (IDPs) in Ukraine constitutes one of the most pressing issues within the context of the country's contemporary socio-legal development. The question of safeguarding the rights of IDPs in Ukraine has acquired particular urgency due to the profound transformations triggered by the armed aggression of the Russian Federation. The large-scale internal displacement that began in 2014, and which reached unprecedented proportions following the full-scale invasion in 2022, has posed a serious challenge not only to the social welfare system but also to the entire legal framework of the state. Under these conditions, the issue of effectively guaranteeing the rights and freedoms of IDPs extends beyond a narrow disciplinary inquiry and becomes an interdisciplinary concern encompassing constitutional law, administrative law, social policy, and international law (Abdulkadr et al., 2024).

With the onset of the full-scale invasion by the Russian Federation, Ukraine faced an unprecedented level of internal displacement, resulting in a multi-layered crisis encompassing legal, social, economic, and humanitarian dimensions (Bielov and Bielova, 2023). According to official data, the number of IDPs in the country is measured in millions, highlighting the urgent need to establish a comprehensive system of guarantees for their rights and freedoms (Dirikgil and Efstathopoulos, 2024). At the same time, scholarly analysis indicates that the existing mechanism for their legal protection remains fragmented, inconsistent, and insufficiently effective (Holubenko and Yehorova, 2025).

The primary problem lies in the fact that, despite the adoption of the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" (2014), the legal framework does not provide comprehensive protection across all key spheres of life. In particular, IDPs encounter difficulties in exercising their constitutional rights to housing, employment, social security, education, healthcare, and participation in local self-governance (Abonyi and Eluke, 2025; Abonyi and Nwakoby, 2023). Interest in this topic is also driven by its significance to a broad audience, including scholars, legal practitioners, public officials, representatives of local self-government, and civil society actors. Research into the mechanism for protecting IDP rights allows not only a critical assessment of the current state of legal regulation but also the formulation of practical recommendations for improving state policy in this area. Of particular value is the integration of theoretical analysis with applied dimensions, facilitating the development of more effective management decisions and law enforcement practices (Agbu and Ifere, 2024).

The relevance of the issue is further underscored by Ukraine's European development trajectory, as the constitutional rights of IDPs should be ensured in accordance with European human rights standards. However, in practice, there remains a significant gap between the norms declared in law and their actual implementation (Perederii, 2023). This discrepancy leads to situations of social isolation, discrimination, and undermines the foundations of the rule of law. Simultaneously, the mechanism for protecting IDP rights cannot be effective without taking international experience into account, particularly the case law of the European Court of Human Rights and the implementation of international conventions, such as the Kampala Convention (Abonyi and Eluke, 2025; Abonyi and Nwakoby, 2023). Comparative analysis demonstrates that in countries facing similar challenges (Kenya, Nigeria, Ethiopia), legal mechanisms supporting IDPs are based on a combination of legislative, institutional, and socio-economic components (African Union, 2009; Agbu and Ifere, 2024), emphasising the need for Ukraine to refine its model to be more integrated and oriented towards the

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long-term integration of IDPs into host communities.

The premise for this research is the evident discrepancy between a reasonably developed legal framework and its limited effectiveness in practice. The adoption of the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" in 2014 represented a significant step in establishing legal guarantees for displaced persons. Nevertheless, subsequent practice has revealed a number of systemic deficiencies, including fragmented regulation, lack of clear coordination among state bodies, insufficient resourcing, and weak integration of legal and socio-economic support mechanisms for IDPs.

The theoretical foundation of this research is grounded in contemporary human rights concepts, the principles of the rule of law and social state, as well as approaches that conceptualise the mechanism of legal protection as a comprehensive system incorporating normative, institutional, and procedural elements (Bielov and Bielova, 2023). In scholarly literature, the protection mechanism for IDP rights is viewed as a set of interconnected instruments and measures aimed at ensuring the realisation of the rights and freedoms of this population (Dembitskyi et al., 2024). However, existing approaches often focus on isolated aspects such as legal status, social guarantees, or the activities of public authorities (Holubenko and Yehorova, 2025). Analysis of the literature reveals considerable scholarly contribution in the field of IDP rights; yet most works remain fragmented and fail to provide a holistic view of the protection mechanism (Hrytsai, 2024). Notably, insufficient attention is devoted to the interaction between different components, the evaluation of enforcement effectiveness, and issues concerning the long-term integration of displaced persons into host communities (Izarova et al., 2023). Additionally, harmonising national legislation with European standards and international obligations continues to be a matter of debate. A critical issue is the gap between the declarative nature of legal norms and their practical implementation. In practice, IDPs often face administrative barriers, discriminatory practices, and the absence of effective mechanisms to protect their rights (Nalyvaiko and Isaieva, 2023). This underlines the necessity of rethinking the existing legal framework and transitioning to a more integrated approach, one which considers both legal and socio-economic factors.

International experience is also an essential consideration. In several countries confronting similar challenges, comprehensive models for the protection of IDP rights have been developed, combining legislative guarantees with effective institutional mechanisms and programmes for socio-economic integration (Ongele et al., 2025). Analysis of such approaches allows the identification of effective practices that may be adapted to the Ukrainian context. Accordingly, the scholarly problem addressed by this research is the absence of a coherent, effective, and coordinated model of the mechanism for protecting the rights of internally displaced persons in Ukraine that responds to contemporary challenges and complies with international standards. This necessitates a comprehensive analysis of the existing legal framework, identification of its deficiencies, and the development of proposals for improvement (Onsarigo, 2024; Perederii, 2023).

The aim of this article is to conduct a comprehensive study of the mechanism for protecting the rights of internally displaced persons in Ukraine, taking into account contemporary conditions, international standards, and European experience, as well as to formulate evidence-based recommendations for its enhancement. To achieve this aim, the following objectives have been identified: to analyse theoretical approaches to understanding the mechanism for protecting IDP rights; to examine the legal framework of Ukraine in this field; to assess the effectiveness of the practical realisation of IDP rights; to identify the main problems and gaps in the functioning of the protection mechanism; to conduct a comparative analysis of international experience; and to justify directions for improving the national model of IDP rights protection.

The research hypothesis posits that the effectiveness of the mechanism for

protecting the rights of internally displaced persons in Ukraine can be enhanced if it is transformed from a fragmented system into an integrated model combining legal, institutional, and socio-economic components, ensuring coherence among different levels of government and aligning with international human rights standards.

Thus, the present study seeks to deepen scholarly understanding of the mechanisms for protecting IDP rights and aims not only at theoretical insight but also at generating practical recommendations capable of improving the effectiveness of state policy in this sphere under conditions of wartime and post-war transformations.

2. Materials and Methods

The methodological foundation of this study is based on a combination of general scientific and specialised legal methods, the application of which has enabled a comprehensive analysis of the mechanism for protecting the rights of internally displaced persons (IDPs) in Ukraine in the context of wartime and post-war transformations.

The materials of the study comprised Ukrainian legal and regulatory acts, including the Constitution of Ukraine, the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons", and other legislative and subordinate acts governing the legal status of IDPs and the mechanisms for the realisation of their rights. A significant part of the source base consists of international legal instruments, in particular documents of the Council of Europe, the case law of the European Court of Human Rights, and the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons (the Kampala Convention). To ensure the comprehensiveness of the research, scholarly works by both domestic and international authors, analytical reports, monographs, and publications in specialised journals dedicated to the protection of IDP rights were also utilised.

The dialectical method was employed to analyse the development of legal regulation concerning the protection of IDP rights in relation to socio-economic and political changes within the state. This approach allowed the mechanism for protecting the rights of displaced persons to be considered as a dynamic system that evolves under the influence of both external and internal factors. The formal-legal method was applied to examine the content of normative legal acts, define legal categories, rights, and obligations of IDPs, and identify conflicts and gaps within the legislation. This method facilitated a systematic analysis of the legal norms governing the relevant legal relations.

The system-structural method enabled the mechanism for protecting IDP rights to be conceptualised as an integrated system consisting of interrelated elements: normative, institutional, and organisational. Its application contributed to the identification of the role of each element in ensuring the effective functioning of the protection mechanism. The comparative-legal method was employed to analyse international experience in protecting IDP rights, including practices from African countries and European standards. This approach allowed the identification of commonalities and differences in regulatory approaches, as well as the potential for adapting effective models to the Ukrainian context.

The method of analysis and synthesis was used to consolidate scholarly approaches, identify the main challenges in the functioning of the IDP rights protection mechanism, and develop a holistic understanding of the phenomenon under investigation. Using this method, the results of individual studies were integrated into a unified conceptual model. Inductive and deductive methods were employed to formulate conclusions and generalisations: from the analysis of specific legal norms and practical cases to the identification of general patterns, and conversely, from general theoretical propositions to the evaluation of their practical implementation.

Furthermore, elements of empirical analysis were applied to the study of the practical implementation of IDP rights, particularly through the examination of judicial decisions, administrative procedures, and the practices of state authorities and local

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self-government bodies.

The combined application of these methods ensured the objectivity, systematicity, and scholarly rigour of the research findings and facilitated the formulation of practical recommendations for improving the mechanism for protecting the rights of internally displaced persons in Ukraine.

3. Results

The mechanism for protecting the rights of internally displaced persons (IDPs) in Ukraine is shaped by a complex interplay of socio-economic, political, and legal factors, which have undergone significant transformation following the onset of Russian aggression. According to scholars (Rohach et al., 2018), it constitutes a system of legislative, institutional, and organisational measures aimed at ensuring the realisation of the constitutional rights and freedoms of IDPs (Bielov and Bielova, 2023).

The findings of the present study allow for a refinement of this definition, conceptualising the mechanism not merely as a collection of measures but as a multi-level functional system encompassing:

- the normative level (legislative codification of rights and guarantees);
- the institutional level (activities of state authorities and local self-government bodies);
- the procedural level (mechanisms for the implementation and protection of rights);
- the socio-economic level (the actual conditions for IDP integration).

This approach enables the identification of systemic bottlenecks in the functioning of the mechanism and explains why, despite the existence of a legal framework, the rights of IDPs remain partially unrealised.

Within the Ukrainian legal framework, the cornerstone is the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" of 20 October 2014, which enshrines fundamental guarantees, including the right to register a place of residence, access social benefits, employment, and education (Yaroshenko et al., 2025). At the same time, the practical application of this law has revealed numerous conflicts and gaps. As O. Perederiy notes, the legislation does not fully address the social integration of displaced persons, and its implementation largely depends on the financial and organisational capacities of local authorities [3, p. 30].

The analysis conducted indicates that a key limitation of the current legislation is its reactive nature: the majority of norms are aimed at responding to existing challenges rather than preventing them. The absence of a long-term strategic approach leads to fragmentation in state policy regarding IDP protection. Furthermore, the legislation insufficiently accounts for the differentiated needs of specific groups of IDPs (persons with disabilities, children, older persons), thereby reducing the effectiveness of legal regulation.

Research also highlights inconsistencies in the state's provision of housing rights for IDPs. Programmes for rental compensation or housing construction remain ad hoc and fail to establish a sustainable mechanism for addressing housing needs (Selikhov, 2024). Consequently, a significant proportion of displaced persons experience social isolation, which negatively affects their capacity to integrate into new communities (Shevyltalov, 2024). Housing has been identified as a system-forming factor in the realisation of other rights: the absence of stable housing directly impedes access to employment, education, and social protection. Thus, housing should be considered a central element within a comprehensive model of IDP rights protection.

The realisation of employment rights also represents a critical dimension. Although legislation guarantees equal labour rights, in practice employers often discriminate against IDPs due to stereotypes or reluctance to assume additional social risks (Starynskyi, 2024). A similar situation is observed in access to healthcare and educational

services. As Hrytsai emphasises, mechanisms to ensure social standards for IDPs exist largely at a declaratory level, while practical implementation is hindered by insufficient resources and a lack of coordination among state authorities (Perederii, 2023). The analysis further demonstrates that one reason for the ineffectiveness in the realisation of social rights is the institutional dispersion of responsibilities across various bodies. The absence of a central coordinating authority or clearly designated lead agency results in either duplication of functions or gaps in service provision, underscoring the need for institutional reform of the IDP rights protection mechanism.

The complexity of the issue also has a constitutional-legal dimension. Starinsky (2024) notes that, despite legal guarantees, the constitutional rights of IDPs are incompletely realised, generating a situation of legal uncertainty. Holubenko and Yehorova (2025) similarly emphasise the inconsistency between Ukrainian legislation and European human rights standards. This is corroborated by an analysis of judicial practice: Ukrainian court decisions in IDP cases often contradict the positions of the European Court of Human Rights, undermining trust in the national legal system. A review of case law indicates a systemic problem the absence of a unified approach to interpreting IDP rights across different judicial instances creating legal uncertainty and diminishing the effectiveness of judicial protection. Nevertheless, judicial practice possesses the potential to serve as a key instrument for harmonising national legislation with European standards.

The integration of IDPs also presents socio-economic challenges. According to researchers at the Institute of Sociology of the National Academy of Sciences of Ukraine (Dembitsky et al., 2024), displaced persons experience higher levels of unemployment, poverty, and psychological stress than other population groups. A significant proportion is compelled to accept low-paid employment that does not match their qualifications, increasing the risk of marginalisation and social exclusion, thereby undermining social cohesion and the rule of law. The findings also indicate a “double vulnerability” effect: the combination of economic instability and legal barriers significantly complicates IDP integration. This necessitates a shift from short-term assistance policies to long-term strategies for integrating IDPs into socio-economic processes.

International experience convincingly demonstrates that effective protection of IDP rights is achievable only through integrated models combining legislative, institutional, and socio-economic mechanisms. In Kenya, for instance, in addition to statutory guarantees, civil society organisations and international agencies play a key role, providing temporary housing while facilitating economic self-sufficiency through access to microcredit, employment schemes, and vocational training programmes (Dirikgil and Efstathopoulos, 2024). In Nigeria, the implementation of the Kampala Convention has been pivotal, obliging the state not only to guarantee fundamental rights but also to develop long-term strategies for social integration, including education, healthcare, and employment for IDPs (Abonyi and Eluke, 2025). Researchers, however, caution that international conventions and declarations remain largely declarative without effective national monitoring mechanisms, which should include transparent institutional procedures, independent judicial oversight, and meaningful cooperation with civil society (Bielov and Bielova, 2023). Comparative analysis demonstrates that the effectiveness of international IDP protection models largely depends on the level of decentralisation and local community involvement. Successful practices show that adaptation occurs most rapidly at the local level, whereas central authorities fulfil a coordinating and regulatory function.

For Ukraine, it is essential to draw upon the jurisprudence of the European Court of Human Rights concerning housing, education, and social protection. As analyses of Ethiopia demonstrate, judicial practice reinforces the effectiveness of legislative guarantees (African Union, 2009). Accordingly, integrating the Ukrainian IDP protection mechanism into the European legal space requires not only legislative adaptation but

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also active consideration of international judicial practice.

In summary, several key directions for improving the IDP rights protection mechanism in Ukraine can be identified: (1) the development of a coherent legal model combining constitutional, social, and organisational guarantees; (2) harmonisation of national legislation with European standards; (3) strengthening the role of local self-government in implementing support programmes; (4) active utilisation of international experience, including that of African countries and ECHR jurisprudence; and (5) the creation of comprehensive integration programmes for IDPs based on long-term socio-economic strategies.

Thus, the contemporary mechanism for protecting IDP rights in Ukraine requires substantial modernisation to ensure not only the formal recognition of rights but also their effective realisation amid wartime and post-war transformations. This necessitates an interdisciplinary approach, combining legal, administrative, and social instruments, as well as systematic cooperation between the state, international organisations, and civil society.

In conclusion, the research identifies the following principal problems in the functioning of the IDP rights protection mechanism in Ukraine:

- Fragmentation of legal regulation;
- Lack of effective coordination among policy implementation actors;
- Insufficient integration of socio-economic and legal instruments;
- Non-alignment of practical implementation with European standards;
- Focus of state policy on short-term measures rather than strategic approaches.

These challenges are systemic in nature and require a comprehensive review of the existing model for the protection of IDP rights.

5. Discussion

The findings of this study confirm that the mechanism for protecting the rights of internally displaced persons (IDPs) in Ukraine is undergoing a process of transformation; however, its current state does not ensure the full realisation of guaranteed rights. The fragmentation of legal regulation and institutional incoherence identified in this study align with the conclusions of domestic scholars, notably Rohach, Savchyn, and Mendzhul (2018), who conceptualise the mechanism as a set of interrelated yet insufficiently integrated elements. At the same time, the present research extends these perspectives by emphasising the multi-level nature of the mechanism and the need for its systemic modernisation.

Particular attention must be given to the observed gap between the normative codification of IDP rights and their practical implementation. While similar concerns have been raised by other researchers (Hrytsai, 2024; Perederiy, 2023), this study demonstrates that the causes of this discrepancy are not solely legal but also managerial in nature. Specifically, the institutional dispersion of authority and the absence of effective coordination mechanisms substantially undermine the effectiveness of state policy in this area. This suggests that legislative improvements alone, without concurrent institutional reform, are unlikely to achieve the desired outcomes. The role of local self-government in safeguarding IDP rights remains a subject of debate. On one hand, decentralisation offers opportunities for more flexible responses to the needs of displaced persons, as evidenced both by national experience and international practice. On the other hand, the results of this study indicate that insufficient resources at the local level and the lack of unified service provision standards lead to uneven realisation of IDP rights across regions. This raises the question of achieving an optimal balance between centralisation and decentralisation in the protection of displaced persons' rights.

Comparison with international experience, particularly in Kenya, Nigeria, and

Ethiopia, demonstrates that effective models of IDP rights protection rely on an integrated approach combining legal, institutional, and socio-economic instruments. At the same time, mechanical adoption of such models is impractical without accounting for the national context. Ukraine faces specific conditions arising from a protracted armed conflict, a European development trajectory, and the particularities of its legal system. Therefore, adaptation of international experience must consider these factors and prioritise practical implementation rather than mere formal adoption of norms.

The role of judicial practice in shaping an effective IDP rights protection mechanism warrants separate consideration. The study's findings indicate that national courts do not always ensure consistency with the jurisprudence of the European Court of Human Rights, thereby reducing legal certainty. Nevertheless, judicial practice itself has the potential to serve as a key instrument for harmonising national law with European standards. Achieving this requires enhancing the legal culture of judges and systematically incorporating ECHR decisions into legal practice.

A significant contribution of this study is the substantiation of the need to shift from short-term support policies for IDPs towards long-term strategies for their integration. While the literature predominantly addresses this issue in socio-economic terms, the present findings highlight its legal dimension. IDP integration should be viewed as an integral component of the mechanism for realising their rights, rather than as an ancillary element of social policy.

The study has certain limitations. It primarily relies on the analysis of normative legal acts and academic sources, whereas the empirical component (e.g., sociological data or surveys of IDPs) is represented indirectly through the results of previous research. This opens avenues for future investigations aimed at a more detailed exploration of the practical aspects of rights implementation for displaced persons.

In conclusion, the discussion of the IDP rights protection mechanism in Ukraine extends beyond purely legal analysis and necessitates an interdisciplinary approach. The findings support the research hypothesis that the formation of a coherent, integrated model encompassing legal, institutional, and socio-economic dimensions is essential. Such an approach would ensure not only the formal codification of rights but also their effective realisation in the face of contemporary challenges.

5. Conclusions

The analysis undertaken provides grounds to assert that the mechanism for protecting the rights of internally displaced persons (IDPs) in Ukraine is still at a formative stage and requires substantial improvement. Despite the existence of a legislative framework and certain state programmes, their implementation does not ensure a comprehensive or effective resolution of the challenges faced by IDPs. Key difficulties persist, including the absence of a coherent legal protection model, limited resources for the practical implementation of support programmes, insufficient alignment of national legislation with European standards, and weak integration of displaced persons into local communities.

The study confirms that legal regulation in this sphere requires harmonisation with international instruments, particularly the jurisprudence of the European Court of Human Rights and the provisions of the Kampala Convention. Comparative analysis of African countries' experience indicates that the effectiveness of IDP protection mechanisms depends on the combination of legislative, institutional, and socio-economic measures. Such an integrated approach could serve as a foundation for enhancing the Ukrainian model.

In the current context of wartime and post-war transformations, the establishment of sustainable long-term integration programmes for displaced persons within host communities assumes particular significance. This entails the development of effective social adaptation mechanisms, access to quality education, modern healthcare, and

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secure housing. Comprehensive measures of this kind would contribute to the restoration of fundamental rights and freedoms, strengthen social cohesion, and create conditions for sustainable democratic development.

Thus, the effective protection of IDP rights is only achievable through a comprehensive modernisation of the national mechanism, encompassing legislative reform, the strengthening of institutional capacity, active engagement of local self-government, and the utilisation of international experience. Only such an approach can ensure not merely the formal recognition of IDP rights, but their actual realisation and the full integration of displaced persons into society.

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MEASURES TO PREVENT THEFT OF OTHER PEOPLE'S PROPERTY IN A STATE OF WAR

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Abstract

The article examines the pressing issue of preventing theft of property, one of the most common criminal offenses against property, which poses a particular threat to society in conditions of martial law. Armed aggression against Ukraine, the introduction of martial law, mass population displacement, destruction of infrastructure, a decline in the material well-being of citizens, and limited resources of law enforcement agencies increase the risk of theft and at the same time complicate the implementation of preventive measures. The paper identifies and analyzes the main types of prevention of theft of other people's property, in particular, general social, special criminological, and individual prevention. Particular attention is paid to special criminological measures to prevent theft, which are aimed at neutralizing the causes and conditions for committing these criminal offenses in modern conditions. Such measures include ensuring the principle of inevitability of criminal responsibility for committed offenses, timely detection and investigation of thefts, improving the operational-investigative and preventive activities of the National Police, strengthening control over the circulation of property in wartime, and intensifying cooperation between law enforcement agencies, local authorities, and the public. Separate emphasis is placed on the importance of raising citizens' legal awareness and vigilance, and fostering a responsible attitude towards the preservation of their property, especially in conditions of evacuation, temporary abandonment of their homes, or residence in frontline regions. It is concluded that effective prevention of theft during martial law is only possible through the comprehensive application of criminal law, criminological, organizational, and social measures adapted to the realities of wartime..

Keywords: theft, theft prevention, special criminological prevention measures, combating theft, solving thefts.

1. Introduction

The rapid development of modern society under conditions of armed conflict significantly transforms the nature, structure, and dynamics of crime. In Ukraine, the

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introduction of martial law as a result of full-scale armed aggression has led to profound socio-economic disruptions, including mass internal displacement, destruction of infrastructure, declining living standards, and weakening of traditional mechanisms of social control. These processes have created favourable conditions for the growth of property-related offences, among which theft remains one of the most widespread and socially dangerous criminal acts.

In criminological science, theft is traditionally regarded as a typical acquisitive crime, the determinants of which are closely linked to socio-economic instability, inequality, and deficiencies in social regulation mechanisms. Ukrainian scholars have consistently emphasised that the effectiveness of preventing crimes against property depends on the comprehensive interaction of social, legal, and organisational measures aimed at eliminating criminogenic factors (Babenko, 2014; Lytvynov, 2008). At the same time, victimological aspects, including the behaviour and vulnerability of potential victims, play a significant role in shaping the conditions for committing such offences (Ostrohliadov, 2019; Ostrohliadov, 2020).

The theoretical foundations of crime prevention developed in Ukrainian criminology distinguish several levels of preventive influence general social, special criminological, and individual each of which targets specific determinants of criminal behaviour (Dzhuzha et al., 2001; Nikitin et al., 2018). However, under conditions of martial law, these traditional approaches require substantial adaptation, as the usual institutional capacities of the state are constrained, while new criminogenic risks emerge. In particular, the temporary abandonment of housing, the spread of informal markets, and the reduced capacity of law enforcement agencies create additional opportunities for theft and complicate its detection and investigation.

International criminological research confirms that crime rates, especially property crimes, tend to fluctuate significantly during periods of social crisis, armed conflict, or natural disasters. For instance, routine activity theory suggests that crime increases when motivated offenders encounter suitable targets in the absence of capable guardians (Cohen & Felson, 1979). Similarly, empirical studies indicate that disruptions caused by war or large-scale emergencies weaken informal social control and increase opportunities for acquisitive crime (UNODC, 2023; World Bank, 2011). These theoretical perspectives are particularly relevant in the Ukrainian context, where wartime conditions reshape everyday routines and patterns of social interaction. Despite the growing body of research on crime in crisis situations, the issue of preventing theft under martial law remains insufficiently studied, especially in terms of adapting criminological prevention mechanisms to the realities of armed conflict. Existing studies primarily focus on general determinants of property crime or victimological characteristics in peacetime conditions (Ostrohliadov, 2020), while the specific challenges posed by wartime such as increased crime latency, organised channels for the disposal of stolen property, and limited investigative resources require further analysis.

In this context, the purpose of this article is to examine the peculiarities of preventing theft of property under martial law and to identify effective criminological and criminal law measures aimed at counteracting such offences. The study seeks to

(1) analyse the main determinants of theft in wartime conditions;

(2) systematise existing approaches to crime prevention at different levels;

(3) substantiate priority directions for improving the activities of law enforcement agencies and enhancing the overall preventive framework.

By addressing these issues, the article contributes to the development of a comprehensive approach to preventing property crime in conditions of armed conflict, combining theoretical insights with practical recommendations adapted to contemporary challenges.

2.Theoretical and applied foundations of theft prevention under martial law

When considering the issue of preventing theft of other people's property under martial law, it is first necessary to define the content and essence of preventive activities as a key area of crime prevention. In modern domestic criminological science, there are a significant number of approaches to defining this concept, which is due to the complexity of prevention itself and the multidimensionality of its impact on social processes (Ostrohliadov, 2020a). Most criminologists consider preventive activities to be one of the basic mechanisms of social regulation of social relations, aimed at eliminating the causes and conditions of crime, which in conditions of martial law becomes particularly relevant due to increased social tension, reduced material support for the population, mass internal displacement of persons, destruction of housing and critical infrastructure, and limited resources of law enforcement agencies.

Preventive activities in the modern sense encompass a system of interrelated economic, social, educational, organizational, and legal measures, the implementation of which during martial law requires adaptation to the extraordinary conditions of the state's functioning. At the same time, crime prevention is seen as a combination of different levels of preventive influence aimed at minimizing criminogenic factors that are exacerbated in conditions of armed aggression and the weakening of traditional mechanisms of social control (Babenko, 2014; Ostrohliadov, 2020b).

In criminology, it is customary to distinguish between preventive activities in a broad and narrow sense. In a broad sense, it covers activities aimed at preventing specific criminal offenses, in particular theft of property, which in conditions of martial law are often associated with the evacuation of the population, temporary abandonment of homes, an increase in the number of abandoned properties, and the weakening of property security. In a narrow sense, prevention consists of the targeted identification of the causes and conditions that contribute to the commission of crimes, the identification of individuals prone to unlawful behavior, and the implementation of individually tailored preventive measures with regard to them, taking into account the specifics of wartime (Sobko et al., 2023). The combination of these measures forms the holistic concept of “crime prevention” as a systematic and multi-level activity.

Depending on the hierarchy of causes and conditions of crime, criminological theory traditionally distinguishes three main levels of prevention: general social, special criminological, and individual. During a period of martial law, the effectiveness of each of these levels is largely determined by the coordination of actions between state authorities, law enforcement agencies, local government bodies, and civil society institutions, as well as the state's ability to respond quickly to changes in the crime situation (Babenko et al., 2018).

General social crime prevention is a system of large-scale socio-economic, political, legal, organizational, and ideological measures aimed at stabilizing social development, ensuring the functioning of the economy, improving the well-being of the population, and forming a legal culture and conscious behavior among citizens. During a period of martial law, such measures are particularly important, as they are aimed at minimizing social tensions, overcoming the consequences of armed aggression, supporting internally displaced persons, maintaining employment, and restoring destroyed infrastructure. Although general social prevention is not directly aimed at preventing specific types of criminal offenses, such as theft of property, it indirectly affects their level by eliminating general criminogenic factors. For example, state programs of social support and humanitarian aid in conditions of martial law reduce the likelihood of thefts caused by material hardship, and the restoration of housing and communal services and lighting in populated areas reduces the risks of encroachment on citizens' property (Schaefer, 2021).

Special criminological prevention consists of targeted action on specific causes

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and conditions that directly contribute to certain types of criminal behavior. In the context of countering theft in a state of martial law, such prevention includes a set of measures aimed at strengthening the protection of property, improving the activities of law enforcement agencies, and neutralizing situations in which the likelihood of encroachment on other people's property increases. Examples of special criminological measures to prevent theft include organizing patrols of areas where there are abandoned dwellings or ruined buildings, monitoring scrap metal collection points to prevent the sale of stolen property, using video surveillance in places where large numbers of people gather, and conducting preventive operations in areas with high levels of property crime (Anderezh et al., 2021). These measures are implemented by specially authorized entities, primarily the National Police, for whom prevention is part of their professional activities.

Individual prevention is aimed at specific individuals whose behavior indicates an increased risk of committing theft or who have already committed such criminal offenses. In conditions of martial law, this category may include individuals who have lost their sources of income, housing, or are in a state of social maladjustment. Examples of individual preventive measures to prevent theft include preventive discussions with individuals previously convicted of property crimes, the establishment of administrative supervision, the involvement of such individuals in social support or employment programs, and psychological assistance to individuals who have experienced trauma as a result of military action. The combination of these measures reduces the likelihood of repeat thefts and promotes the resocialization of offenders (Cohen and Felson, 1979).

The systematic and coordinated application of general social, special criminological, and individual preventive measures is a necessary prerequisite for effectively combating theft of another's property, for which criminal liability is provided for in Article 185 of the Criminal Code of Ukraine, and in some cases, related crimes against property. During the period of martial law, such activities take on particular importance, as the objective conditions of armed aggression, internal displacement of the population, destruction of housing stock, and limited resources of law enforcement agencies significantly increase the risks of encroachment on other people's property. It is a comprehensive approach to prevention that makes it possible to reduce the level of criminogenic factors and ensure real protection of property rights (Dzhuzha et al., 2001).

Special criminological prevention of theft in the practice of the National Police of Ukraine covers a set of organizational and managerial, investigative, and operational-search measures aimed at identifying, eliminating, or neutralizing the causes and conditions that contribute to the commission of criminal offenses under Article 185 of the Criminal Code of Ukraine, as well as exerting a preventive influence on persons prone to committing such acts. Such measures include, in particular, patrolling areas with a high risk of property offences, guarding abandoned dwellings, monitoring places where stolen property may be sold, conducting preventive operations and operational-search measures against persons previously convicted of property crimes.

One of the key areas of special criminological prevention of theft is preventing its self-determination, i.e., repeated and mass reproduction. In this context, it is crucial to ensure the principle of inevitability of criminal liability, enshrined in the criminal legislation of Ukraine, through the complete and timely detection of criminal offenses, prompt response to reports from citizens, and effective pre-trial investigation. The practice of the National Police of Ukraine shows that when offenders avoid criminal liability, it gives them a sense of impunity and encourages them to commit new thefts, which negatively affects the overall crime rate (Babenko, 2014).

The criminological significance of the timely detection and full investigation of thefts is also confirmed by scientific approaches, according to which the absence of an adequate legal response to a criminal offense reduces the preventive potential of criminal law and the effectiveness of special preventive measures. In conditions of martial law, this problem is exacerbated by the increase in the latency of crimes against

property, in particular thefts committed in abandoned dwellings or in areas that have suffered destruction.

The National Police of Ukraine needs to pay special attention to combating apartment burglaries, which in most cases can only be solved if the offender is apprehended immediately after committing the crime or in the course of a series of operational and investigative measures. As investigative practice shows, the identity of the offender is often established after his arrest for another episode of criminal activity, in the course of which previous thefts are additionally documented. At the same time, compensation for material damage to victims remains problematic, since stolen property is usually quickly sold through illegal distribution channels, which operate particularly quickly and in an organized manner in conditions of martial law.

In view of the above, strengthening special criminological prevention of theft, adapted to the provisions of the Criminal Code of Ukraine and the practice of the National Police of Ukraine, is one of the priority areas for ensuring the protection of property rights and public safety in conditions of martial law (Lytvynov, 2008).

3. Criminological and procedural challenges in combating theft under martial law

The practice of combating crimes against property shows that persons who commit thefts, for which liability is provided for in Article 185 of the Criminal Code of Ukraine, as a rule, do not keep the stolen property in their possession, since it is direct material evidence of their involvement in a criminal offense. In most cases, stolen items are quickly sold through illegal channels, which significantly complicates both the process of proving the crime and compensating victims for the damage caused.

This allows us to conclude that the timely detection and full disclosure of criminal offenses under Article 185 of the Criminal Code of Ukraine is one of the key factors in deterring repeat thefts and reducing their self-determination. Ensuring the inevitability of criminal liability, in particular by bringing the guilty persons to justice, taking into account the aggravating circumstances specified in Article 67 of the Criminal Code of Ukraine (repeated commission of a crime, commission of a crime by a group of persons, commission of a crime under martial law, etc.), significantly increases the preventive potential of criminal law. In addition, the effective work of pre-trial investigation bodies contributes to increasing public confidence in the National Police of Ukraine and creates a sense of security of property rights (Kleemans et al., 2012).

An analysis of criminal proceedings relating to theft reveals typical shortcomings in the investigation and pre-trial investigation of such offences. These include, in particular, miscalculations in the organization of the timely detection of thefts, which directly affects the effectiveness of entering information into the Unified Register of Pre-trial Investigations and the subsequent conduct of investigative (search) and covert investigative (search) actions. In a number of cases, the untimely reporting of crimes is due to the victimogenic behavior of victims who do not contact law enforcement agencies because of the insignificance of the damage caused or their unwillingness to publicize the incident, which negatively affects the detection of crimes under Article 185 of the Criminal Code of Ukraine.

Theft of another person's property is usually committed secretly, using measures of concealment, which complicates its detection and requires coordinated interaction between investigators, operational and forensic units of the National Police of Ukraine. Investigating thefts committed by a group of people or organized groups is especially tricky, where it's really important to correctly establish the forms of complicity in line with Article 27 of the Criminal Code of Ukraine. Practice shows that operational units often limit themselves to exposing the direct perpetrator of the crime, without paying due attention to identifying the organizers, instigators, and accomplices, which reduces the effectiveness of bringing all guilty persons to criminal responsibility (Ostrohliadov,

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2019).

The National Police of Ukraine should pay special attention to criminal proceedings involving thefts committed with the involvement of minors. In such cases, it is of fundamental importance to properly assess, under criminal law, the actions of adults who organized or incited minors to commit theft, taking into account the provisions of Article 304 of the Criminal Code of Ukraine regarding the involvement of minors in criminal activity. Incorrect classification or failure to prove the relevant circumstances leads to such persons avoiding more severe criminal liability and negatively affects the preventive effect of criminal legislation.

Thus, effective counteraction to theft of foreign property in conditions of martial law is possible only under the condition of comprehensive application of the provisions of Article 185 of the Criminal Code of Ukraine in conjunction with the provisions of Articles 27, 67, and 304 of the Criminal Code of Ukraine, as well as the proper organization of the activities of the National Police of Ukraine aimed at the timely detection, full disclosure, and correct criminal law classification of these criminal offenses. The effectiveness of the proposed preventive measures is also confirmed by foreign law enforcement practice. Thus, in the activities of the Federal Bureau of Investigation, more than 85% of the most dangerous crimes are solved with the use of undercover agents-informants and other operational-investigative means. This convincingly demonstrates that the exclusive use of procedural investigative actions or a formal increase in the number of law enforcement agencies without the use of special operational methods does not ensure an adequate level of detection of complex crimes committed in conditions of obscurity, and in some cases makes such detection practically impossible (Ostrohliadov, 2020).

At the same time, an important factor in preventing theft of other people's property is the behavior of citizens themselves, in particular their level of legal awareness and basic caution. In this context, the position of Jacek Palkevich is relevant. Reflecting on safety in the urban environment, he warns citizens against creating conditions that facilitate crime. A similar opinion is held by law enforcement officials, who point out that a significant proportion of thefts, especially from residential premises, are caused by the careless or irresponsible behavior of the victims themselves. In order to minimize the risk of becoming a victim of theft, it is advisable to follow basic rules of personal and property safety, in particular: do not draw unnecessary attention to yourself and your belongings; keep a close eye on your personal belongings in public places; do not leave mobile phones, portable devices, baby strollers, bicycles, and other property unattended; do not give your keys to strangers; refrain from disclosing information about the presence of cash or valuables; if possible, use technical means of protecting your home, including video surveillance systems, security alarms, reliable locks, and other engineering and technical solutions (Schaefer, 2021).

Improving the effectiveness of specialized criminological theft prevention also requires the rational and efficient use of financial resources allocated to combating crime. At the same time, analysis of current practices shows that the effectiveness of budget spending can vary significantly from region to region, which has a negative impact on the overall level of combating property crimes. Uneven financial support and management miscalculations reduce the preventive potential of law enforcement activities in general.

The use of technical means of home security deserves special attention as one of the most effective ways to prevent burglaries. Signing contracts for home security and connecting properties to centralized monitoring stations significantly increases the level of property protection. According to experts, modern security systems are in many cases more reliable than physical means of protection, such as heavy doors or complex locking mechanisms. Even imitation security alarms can have a deterrent effect, reducing the likelihood of crime.

4. Directions for Improving the Effectiveness of Theft Prevention under Martial Law

The analysis of the challenges associated with the detection and investigation of theft under martial law necessitates the development of a comprehensive system of measures aimed at enhancing the effectiveness of crime prevention. Given the transformation of criminogenic conditions in wartime, traditional approaches to combating property crime require adaptation to new social realities, including increased population mobility, weakened social control, and the emergence of new criminal opportunities.

One of the key directions for improving theft prevention is the strengthening of institutional capacity and coordination among law enforcement agencies. Effective interaction between investigative units, operational services, and forensic specialists is essential for ensuring the timely detection and proper qualification of criminal offences. Modern criminological approaches emphasise the importance of problem-oriented policing and the concentration of resources in high-risk areas (hot spots), which has been empirically shown to reduce crime rates when implemented systematically (Goldstein, 1979; Coupe, 2016) . In the context of martial law, such an approach should be supplemented by flexible deployment of police resources, taking into account dynamically changing security conditions.

Another important direction is reducing the latency of theft-related offences. As noted in criminological research, a significant proportion of crimes remain unreported due to victims' distrust of law enforcement agencies or the perceived insignificance of harm. This negatively affects both statistical accuracy and the effectiveness of preventive measures. Therefore, it is necessary to simplify reporting procedures, introduce digital tools for submitting complaints, and implement public awareness campaigns aimed at increasing legal awareness and trust in law enforcement institutions. These measures correspond to broader international recommendations on strengthening community-based crime prevention and improving access to justice (UNODC, 2023) .

A separate and highly significant area is the disruption of illegal markets for stolen property. As shown in criminological studies, theft is often part of a broader chain of criminal activity that includes the rapid resale of stolen goods through informal or illegal channels. From the perspective of routine activity theory, crime occurs when a motivated offender encounters a suitable target in the absence of capable guardianship (Cohen & Felson, 1979) . Accordingly, effective prevention requires not only the identification of offenders but also the elimination of opportunities for the disposal of stolen property. This may include strengthening control over second-hand markets, monitoring online trading platforms, and using covert investigative methods to identify criminal networks.

The introduction and active use of modern technologies also play a crucial role in improving theft prevention. Contemporary research demonstrates that technological innovations such as video surveillance systems, data analytics, and digital tracking tools significantly enhance the ability of law enforcement agencies to prevent and detect crimes (Anderez et al., 2021) . In conditions of martial law, the use of such technologies becomes particularly relevant, as it compensates for limited human resources and increases the effectiveness of monitoring large or high-risk areas.

In addition, victimological prevention should be considered a priority area. Criminological studies indicate that changes in routine activities and daily behaviour patterns can significantly increase opportunities for property crime, particularly when dwellings are left unattended or valuable items are insufficiently protected (Felson, 1994; Felson and Clarke, 1998) . Therefore, targeted preventive measures should be aimed at raising public awareness, promoting safe behaviour, and encouraging the use of technical means of protection. Special attention should be given to vulnerable groups, including internally displaced persons and residents of frontline regions.

Improving the regulatory and legal framework is essential for enhancing the

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preventive potential of criminal law. This includes ensuring the consistent application of criminal legislation, particularly provisions relating to complicity, aggravating circumstances, and the involvement of minors in criminal activity. The inevitability of punishment remains one of the most effective deterrents to crime, as it directly influences offenders' decision-making processes within the framework of rational choice theory (Cornish & Clarke, 1986) . Strengthening this principle under wartime conditions is therefore a critical component of an effective crime prevention strategy.

In conclusion, improving the effectiveness of theft prevention under martial law requires a comprehensive approach that combines institutional, technological, legal, and social measures. Only through the integration of these elements is it possible to reduce criminogenic risks, enhance the capacity of law enforcement agencies, and ensure the effective protection of property rights in conditions of armed conflict.

4. Conclusion

Summarizing the results of the conducted research, it should be noted that the prevention of theft of another's property under conditions of martial law acquires particular relevance due to the increase in criminogenic risks, the transformation of social processes, and the limited capacity of state institutions. It has been established that the contemporary conditions of armed conflict significantly affect the determination of acquisitive crimes against property, giving rise to new criminogenic factors, including mass population displacement, the abandonment of housing without supervision, the destruction of infrastructure, and the weakening of social control.

It has been substantiated that effective prevention of theft is possible only through the comprehensive combination of general social, special criminological, and individual measures adapted to the realities of wartime. Particular importance in this regard is attributed to special criminological prevention aimed at neutralizing the immediate causes and conditions of criminal activity, as well as ensuring the inevitability of criminal liability through the timely detection, clearance, and proper investigation of theft offenses.

The study demonstrates that one of the key challenges in combating theft is the high level of latency of such crimes, the difficulty of proving them due to the rapid disposal of stolen property, and shortcomings in the organization of pre-trial investigation and interaction among law enforcement units. It has been established that increasing the effectiveness of counteraction is possible through improving police coordination, introducing modern technologies, intensifying operational-search activities, and strengthening control over illegal markets for stolen goods.

At the same time, the victimological dimension plays an important role in the system of prevention, encompassing the enhancement of public legal awareness, the formation of safe behavioral patterns, and the promotion of technical means of property protection. The involvement of the public in preventive activities and the strengthening of trust in law enforcement agencies are also essential conditions for reducing crime rates.

Thus, the prevention of theft under martial law should be carried out as a multi-level, systemic activity that combines legal, organizational, technological, and social instruments of influence. Only through their coordinated application is it possible to effectively reduce criminogenic threats, ensure an adequate level of protection of property rights, and strengthen public safety in conditions of armed conflict.

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IMPLEMENTATION OF GUARANTEES FOR THE PROTECTION OF CHILDREN'S RIGHTS THROUGH THE PRISM OF THE PRINCIPLES OF ENFORCEMENT PROCEEDINGS

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Abstract

This article examines the system of principles of enforcement proceedings as the basis for guaranteeing the protection of children's rights, providing a detailed analysis of each with practical considerations. It argues that enforcement in cases involving children is not merely a mechanical procedure but a complex human rights process requiring adherence to principles that serve as substantive guarantees of the child's psychophysical safety. Drawing on theoretical developments, the author defines these principles as normatively enshrined guiding ideas and value frameworks shaping the human rights orientation of enforcement bodies and determining the legitimacy of enforcement actions to protect the child's well-being as a supreme social value. The study highlights the dualistic nature of these principles, combining general (rule of law, legality, bindingness of decisions, justice, impartiality, publicity, reasonableness of deadlines, proportionality, right to appeal) and special principles derived from international standards and the essence of childhood. Special principles include the best interests of the child, consideration of the child's opinion, interagency cooperation, minimizing psychological and physical impact, confidentiality, and protection of privacy. The article concludes that effective legal protection relies on the harmonious integration of these principles, with the best interests of the child as the central guiding vector. The system is dynamic, allowing for further research in line with evolving international legal standards and social developments.

Keywords: children's rights, guarantees, protection, principle, enforcement proceedings, the best interests of the child, enforcement.

1. Introduction

The effectiveness of the legal system of a modern democratic state is determined not only by the quality of its regulatory framework and the level of development of the judiciary, but also by the actual enforcement of judicial decisions. It is precisely the stage of enforcement proceedings that constitutes the final phase of the administration of justice, during which legal prescriptions are transformed into the practical restoration of violated rights and interests. In this context, enforcement proceedings function not merely as a procedural instrument, but as an indicator of the effectiveness of the state's mechanism for legal protection.

This issue acquires particular significance in cases where the object of legal protection concerns the rights and interests of children as the most socially vulnerable category of subjects. Unlike adults, a child does not possess full procedural autonomy and,

in most instances, is unable to independently defend his or her rights. This necessitates enhanced guarantees for their protection at all stages of legal enforcement, particularly during the execution of judicial decisions. At the same time, the specificity of enforcement proceedings in cases involving children lies in the combination of legal, psychological, and social components, which significantly complicates the implementation of coercive measures (Zaychuk, 2012).

In practice, the enforcement of judicial decisions relating to children (including, inter alia, the recovery of maintenance, determination of the child's place of residence, establishment of contact arrangements, or removal of a child) is often accompanied by substantial psychological pressure, conflicts between parents, and risks of harm to the child's emotional and psychological well-being. Under such circumstances, enforcement proceedings transcend the boundaries of a purely formal legal procedure and acquire the characteristics of a complex human rights process, in which each action undertaken by the enforcement officer must be assessed not only in terms of legality, but also with regard to the principles of humanism, fairness, and the best interests of the child (Kyrylchuk, 2023).

The theoretical foundation of this study is based on the concept of legal principles as fundamental, system-forming ideas that determine the content and direction of legal regulation. Within enforcement proceedings, such principles perform a dual function: on the one hand, they act as normative guidelines for the activities of enforcement authorities; on the other hand, they serve as guarantees for the protection of the rights and freedoms of the parties involved. At the same time, in cases concerning children, general legal principles acquire a specific meaning and require supplementation by special principles that take into account the particular nature of childhood as an object of legal protection.

Despite the considerable number of scholarly works devoted to the study of the principles of enforcement proceedings, the majority focus either on general theoretical aspects or on the analysis of individual principles without taking into account the specific features of their application in cases involving children. The academic literature lacks a comprehensive approach to the consideration of enforcement principles as a system of guarantees for the protection of children's rights. Furthermore, insufficient attention has been paid to the interaction between general and special principles, their role in minimising the adverse impact of enforcement actions on the child, and the practical mechanisms of their implementation (Kozyubra, 2017).

These circumstances necessitate an in-depth scholarly analysis of the implementation of guarantees for the protection of children's rights through the prism of the principles of enforcement proceedings. Such an approach makes it possible not only to systematise existing theoretical provisions, but also to develop a new understanding of enforcement proceedings as a comprehensive human rights institution oriented towards safeguarding the interests of the child.

The aim of this article is to identify and substantiate the system of principles of enforcement proceedings as the foundation for ensuring the protection of children's rights, as well as to analyse their content in light of the specific features of legal practice.

To achieve this aim, the following research objectives are defined:

- to analyse theoretical approaches to the understanding of legal principles and the principles of enforcement proceedings;
- to determine the essence and specific features of the principles governing the implementation of guarantees for the protection of children's rights;
- to systematise the general and special principles of enforcement proceedings within the context of the study;
- to examine the content of each principle, taking into account its practical application;
- to substantiate the necessity of inter-agency cooperation and the

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humanisation of enforcement measures in cases involving children.

The research hypothesis is based on the assumption that the effectiveness of protecting children's rights at the stage of enforcement proceedings depends on the comprehensive implementation of a system of principles that possess a dual nature, combining general principles of the enforcement process with special principles обусловлениями by the specific characteristics of childhood. In this system, the principle of the best interests of the child plays a key role, acting as a system-forming element that determines the direction of all enforcement actions.

Thus, the study is aimed at developing a coherent theoretical approach to understanding the principles of enforcement proceedings as guarantees for the protection of children's rights, which has not only academic but also practical significance for improving law enforcement practice in this field.

2. Literature Review

In recent years, the issue of the principles of enforcement proceedings has been at the centre of scholarly attention, which is обусловлено the growing significance of the enforcement stage within the broader mechanism for the protection of human rights. Contemporary legal scholarship has produced a substantial body of research addressing both the general theoretical foundations of enforcement principles and the specific features of their manifestation at particular stages or within distinct legal institutions.

For instance, in the work by Shyman, "Principles of Enforcement Proceedings: Concept and Features" (2025), an attempt is made to provide a systematic conceptualisation of the category of enforcement principles. In particular, the author proposes a contemporary definition of these principles and identifies their key characteristics as an independent legal phenomenon. The study substantiates their role as normatively established guidelines that determine the content and direction of the activities of enforcement authorities.

At the same time, the study by Spektor, "Principles of the Stage of Opening Enforcement Proceedings" (2025), focuses on a narrower aspect, namely the analysis of principles inherent in a specific stage of the enforcement process. While this approach allows for a more detailed examination of the functional purpose of individual principles, it simultaneously limits the possibility of considering them as a coherent and integrated system.

A separate group of studies is devoted to the analysis of particular principles of enforcement proceedings. In particular, Snidevych, in the work "Openness as a Principle of the Construction of Enforcement Procedural Form" (2019), examines the principle of openness, highlighting its importance as an instrument for ensuring transparency and accountability in enforcement activities. Such studies contribute significantly to a deeper understanding of individual principles; however, they do not provide a comprehensive view of their systemic interaction.

Their works address various aspects of enforcement proceedings, including issues of the effectiveness of the execution of judicial decisions, the principle of reasonable time, the proportionality of enforcement measures, and the guarantees of the rights of participants in the proceedings.

At the same time, an analysis of the existing scholarly sources indicates a predominance of approaches focused either on the general theoretical understanding of enforcement principles or on their fragmented examination. The specific features of the implementation of these principles in cases involving children remain largely outside the scope of comprehensive academic analysis. In particular, insufficient attention has been paid to the transformation of general principles in the context of ensuring the best interests of the child, their interaction with special principles, and their role in minimising the adverse impact of enforcement actions on the child's psychological and physical well-being.

Thus, the current level of academic development of the problem does not fully meet the needs of law enforcement practice, which necessitates further research in this area. The absence of a comprehensive approach to the consideration of enforcement principles as guarantees for the protection of children's rights determines the relevance of this study and defines its scholarly orientation.

2. Materials and Methods

In the course of examining the principles governing the implementation of guarantees for the protection of children's rights within enforcement proceedings, a combination of general scientific and specialised legal methods was employed, ensuring a comprehensive and well-substantiated analysis of the research problem.

The methodological foundation of the study is based on the dialectical method, the application of which made it possible to reveal the essence of the principles of enforcement proceedings in their development, interconnection, and interdependence, as well as to formulate an authorial definition of the principles governing the implementation of guarantees for the protection of children's rights in this field. The use of this method enabled enforcement proceedings to be considered not as a static legal institution, but as a dynamic process evolving under the influence of contemporary legal and social challenges.

The system-structural method was applied to determine the internal organisation of the system of enforcement principles and to classify them into general and special categories. This method facilitated the identification of the functional purpose of each principle, their interrelations, and their role in ensuring the effective protection of children's rights at the stage of enforcement of judicial decisions.

The formal legal method was used to analyse the current legislation of Ukraine, in particular the provisions regulating enforcement proceedings and the protection of children's rights, as well as relevant international legal instruments. The application of this method made it possible to identify the normative content of the principles, their legal nature, and the specific features of their implementation in legal practice.

The methods of generalisation and induction were employed to systematise the findings of the research, formulate theoretical conclusions, and substantiate practical recommendations. Their application allowed for the derivation of generalised conclusions regarding the specific features of the implementation of guarantees for the protection of children's rights in enforcement proceedings on the basis of the analysis of individual legal phenomena and norms.

In addition, elements of the comparative legal approach made it possible to take into account international standards in the field of the protection of children's rights and to determine their influence on the development of national law enforcement practice.

The application of this комплекс of methods ensured the comprehensive nature of the study, allowing not only for the elucidation of the theoretical aspects of the principles of enforcement proceedings, but also for the identification of practical directions for improving the mechanism for the protection of children's rights at the stage of enforcement of judicial decisions.

3. Results and Discussion

In legal doctrine, principles are commonly regarded "as a kind of foundation upon which law is built, and in this capacity they function as sources of law. They permeate the legal substance, all processes occurring within the legal sphere, and are in one way or another connected with law. Principles express the essence of law, determine its content, and shape the general nature of legal regulation of social relations" (Kozyubra, 2017). Etymologically, the term "principle" derives from the Latin principium (foundation, origin), which literally denotes a guiding idea or the initial basis of any phenomenon (Melnychuk, 1974).

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According to academic interpretations, in particular those presented in the Dictionary of the Ukrainian Language, this concept is раскрыто through three interrelated dimensions: (1) theoretical as the fundamental premise of a scientific system, theory, or ideological direction; (2) technological as the underlying feature or method of creating or implementing something; and (3) axiological as a belief, norm, or rule guiding an individual's behaviour (Dictionary of the Ukrainian Language, 2026). Within the context of jurisprudence, principles acquire a specific normative and value-based meaning. They express the essence of law, determine the content of its institutions, and define the overall nature of legal regulation of social relations. Kolodii aptly emphasises that "in both past and contemporary legal scholarship, there is no single approach to defining the concept of legal principles. Despite differences in perspectives, legal science in various historical periods has been unified in recognising certain provisions and ideas as principles of law" (Kolodiy, 1998). Accordingly, the most generalised definition is provided by Zaichuk, who states that "legal principles are the fundamental, defining ideas, provisions, and guidelines that constitute the moral and organisational basis for the emergence, development, and functioning of law" (Zaychuk, 2012).

The outlined general theoretical approaches to understanding legal principles serve as a methodological foundation for analysing their manifestation in specific areas of legal application. Since law constitutes a coherent yet differentiated system, each of its branches transforms general ideas in accordance with the specific features of its subject matter and regulatory method. The sphere of enforcement proceedings is no exception: while general legal principles establish a fundamental value orientation, the principles of enforcement proceedings concretise these ideas, adapting them to dynamic and often conflict-prone social relations. "These fundamental (guiding) principles, ideas, provisions or requirements are typically clearly defined, concisely expressed, and function as rules governing the conduct of participants in enforcement proceedings both in relation to one another and to the objects of the principle's application" (Shyman, 2025).

In our view, the specificity of the principles of enforcement proceedings is об-условлена their dual nature: they operate at the intersection of substantive law, which defines the content of subjective rights, and procedural mechanisms designed to ensure their practical implementation. Within the paradigm of the protection of children's rights, this sectoral specificity acquires particular importance. In this category of cases, enforcement proceedings are transformed from a purely technical mechanism for implementing legal prescriptions into a complex human rights activity, where each enforcement action must comply with fundamental principles.

Taking this into account, we propose that the principles governing the implementation of guarantees for the protection of children's rights in enforcement proceedings should be understood as a system of fundamental, normatively enshrined guiding ideas and value orientations that determine the human rights-oriented direction of the activities of enforcement authorities and serve as an imperative criterion for the legality of enforcement actions aimed at ensuring the proper psychological and physical well-being of the child as the highest social value. For a more comprehensive understanding of the above-mentioned principles, it is appropriate to define their system, which represents a combination of general principles ensuring the universality of enforcement and special principles reflecting the specific nature of the protection of children's rights, as well as to analyse each element in detail.

The set of general principles of enforcement proceedings, which constitute the foundation of the legitimacy of any enforcement action, including within the context under study, simultaneously acting as limits on the discretion of the enforcement officer and as guarantees for the protection of the subjective rights of participants, is defined in Article 2 of the Law of Ukraine "On Enforcement Proceedings" (Law of Ukraine, 2016). These principles warrant further detailed consideration.

From a general theoretical perspective, the principle of the rule of law "may

be interpreted as the prioritisation of human rights within society and is manifested primarily in such features of state and social life as: the enshrinement of fundamental human rights in the Constitution and other laws (laws contradicting human rights and freedoms are considered unlawful); the dominance in public and state life of laws expressing the will of the majority or the entire population while embodying universal values and ideals primarily human rights and freedoms; the regulation of relations between the individual and the state on the basis of the general permissive principle: 'an individual is permitted to do anything not expressly prohibited by law'; and the mutual responsibility of the individual and the state" (Law of Ukraine, 2016).

Within enforcement proceedings, this principle obliges the enforcement officer to act in a manner that ensures a balance between private and public interests, avoiding arbitrariness and excessive interference with individual rights. Justice does not end with the delivery of a judicial decision; it continues until its fair implementation, where the rule of law serves as a guarantee of the legitimacy of coercive processes. Through the prism of the protection of children's rights, this principle acquires particular significance, as the child is recognised as the most vulnerable subject whose interests must be afforded unconditional priority. In this sphere, the rule of law implies that no procedural action may be deemed lawful if it contradicts the child's fundamental rights to safety, development, and family upbringing.

Thus, this principle functions as a value-based guideline, while the specific instruments and limits of the enforcement officer's activity are defined by another fundamental principle the principle of legality. This principle requires the enforcement officer to act strictly on the basis of, within the limits of authority, and in the manner prescribed by the Constitution and laws of Ukraine. Legality ensures the stability of legal order in enforcement proceedings by guaranteeing strict adherence to procedural norms and excluding arbitrary interpretations or abuses of power. At the same time, in the context under study, the principle of legality is transformed into a requirement for the integrated application of norms from different branches of law. Accordingly, the enforcement officer must take into account not only the provisions of the relevant law, but also the specific imperatives of the Family Code of Ukraine, the Law of Ukraine "On Child Protection", and international treaties (in particular, the UN Convention on the Rights of the Child), which possess overriding legal force.

Another general principle governing the implementation of guarantees for the protection of children's rights in enforcement proceedings is the principle of the binding nature of judicial decisions. From a theoretical and methodological perspective, this principle constitutes a fundamental condition for the existence of the rule of law and represents the logical culmination of the right to judicial protection. As Lymar rightly notes, "the impossibility of enforcing a court decision nullifies the realisation of the right to judicial protection. The actual execution of decisions not only restores violated rights but also strengthens legality and public order, reflecting the effectiveness of the entire mechanism of legal regulation of social relations" (Lymar, 2018). The binding nature of enforcement implies that the provisions contained in an enforcement document are imperative and must be complied with by all legal subjects throughout the territory of the state under the threat of legal liability. This principle ensures the authority of the judiciary and the stability of legal order, guaranteeing the claimant the possibility of actual restoration of their rights. In the context of children's rights protection, this principle acquires vital importance, as the timeliness and inevitability of enforcement directly affect the child's physical, psychological, and social development.

The dynamics of enforcement proceedings largely depend on the will of the parties involved. Therefore, among the general principles, particular attention should be given to the principle of dispositivity. Within enforcement proceedings, this principle manifests in the claimant's ability to initiate enforcement, choose the methods of execution within the limits of the law, and terminate proceedings by withdrawing the

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enforcement document or concluding a settlement agreement. Thus, the principle of dispositiveness ensures the autonomy of the parties' will, whereby state coercion operates as a service-oriented instrument for the protection of private interests upon the initiative of the rights-holder. At the same time, in the sphere of the protection of children's rights, dispositiveness undergoes a significant transformation and certain limitation in the interests of the vulnerable party. As the child is often merely the de facto beneficiary of enforcement (for instance, in maintenance cases), while formal decisions are taken by legal representatives, there arises a risk of abuse of such freedom to the detriment of the minor's interests. Accordingly, this principle is constrained by enhanced supervisory powers of the enforcement officer and guardianship authorities: any waiver of enforcement or settlement agreement must be reviewed for compliance with the best interests of the child.

The principle of fairness, impartiality and objectivity constitutes a triune foundation of law enforcement activity, wherein fairness requires that actions of public authorities correspond to universal values and the essence of law; impartiality entails the absence of personal interest in the outcome of the case; and objectivity demands a comprehensive assessment of all factual circumstances without bias in favour of either party. In the context of ensuring guarantees for the protection of children's rights, this principle functions as a tool for balancing interests within a conflictual environment. As the child is often placed at the centre of an emotional confrontation between parents (the debtor and the creditor), the enforcement officer must demonstrate maximum objectivity so as not to become a party to the conflict, but to act exclusively in the child's interests. Fairness in such proceedings implies that coercive measures should be directed at genuinely meeting the child's needs rather than satisfying the claimant's ambitions, which requires a thorough analysis of each situation and an unbiased assessment of the conduct of both parties.

The principle of transparency and openness serves as an instrument of democratic oversight over public authorities, ensuring the transparency of enforcement proceedings and the public's right of access to information concerning the functioning of the system. Openness entails the parties' ability to acquaint themselves with the case materials, the operation of public debtor registers, and the publicity of asset realisation processes. This principle minimises corruption risks and enhances public trust in both state and private enforcement institutions. However, within the category of proceedings under consideration, this principle is necessarily restricted: the process cannot be public in a broad sense so as to prevent the stigmatisation of the child or the disclosure of sensitive aspects of their family life.

Another general principle governing the implementation of guarantees for the protection of children's rights in enforcement proceedings, introduced into domestic enforcement law by the Law of Ukraine "On Enforcement Proceedings", is the principle of reasonable time. As aptly noted by Luzhanskyi, a "reasonable time" in the context of enforcement proceedings is the time objectively necessary for carrying out procedural actions and adopting procedural decisions aimed at ensuring the timely (without undue delay) conduct of enforcement proceedings (Luzhanskyi, 2016). The criteria for determining the reasonableness of time limits include the legal and factual complexity of the case, the conduct of the participants, the manner in which the enforcement officer exercises their powers, and the effectiveness of the measures taken to enforce the writ of execution; additionally, the expediency of the actions undertaken by the enforcement officer is of relevance.

In the context of protecting children's rights, the requirement of reasonable time is transformed into a requirement of a certain degree of promptness, as the duration of proceedings directly correlates with the extent of harm that may be caused to the child. Whereas in property disputes delays may result merely in financial loss, in cases concerning the return of a child or the recovery of maintenance for medical treatment,

delay may lead to irreversible consequences for the minor's health and psychological well-being. Accordingly, within the framework of this study, "reasonable time" should be understood as the shortest possible time for enforcement, where the child's interests require the enforcement officer to actively employ all available legal instruments without awaiting maximum statutory deadlines.

A further general principle deserving attention is the principle of proportionality between enforcement measures and the scope of the claims under the decision. This principle limits the discretion of the enforcement officer, requiring the selection of measures that ensure full and timely enforcement in the least intrusive manner. In this way, proportionality serves as a safeguard against arbitrary interference with property rights or personal liberty, maintaining a balance between the effectiveness of enforcement and the protection of the parties' rights. In the context of protecting children's rights, this principle acquires a distinctly humanistic dimension, where the criterion is not merely the amount of debt or the nature of the claim, but above all the safety and psychological comfort of the child. For example, in enforcing a decision on the transfer of a child, proportionality entails the rejection of harsh physical coercion in favour of more sensitive forms of interaction, even if this necessitates the involvement of additional specialists.

The final principle in this group is the principle of ensuring the right to challenge decisions, actions or omissions of enforcement officers. This principle presupposes the existence of clear procedures for reviewing enforcement acts in both judicial and administrative fora, enabling participants in the proceedings to initiate scrutiny of the lawfulness of coercive measures applied. The possibility of appeal incentivises enforcement officers to comply strictly with legal norms and ensures the correction of errors that may arise in the course of dynamic enforcement proceedings. Given that the subject of protection (the child) is often unable to initiate such review independently, the implementation of this principle is entrusted to legal representatives or guardianship authorities acting as procedural guarantors.

The analysis of the aforementioned general principles of enforcement proceedings demonstrates that they form a stable normative framework; however, their content is not always sufficient to fully accommodate the unique nature of legal relations involving a child. In this regard, it is necessary to identify and elaborate specific principles governing the implementation of guarantees for the protection of children's rights in enforcement proceedings, which derive directly from the nature of childhood as a distinct object of legal protection. These principles do not negate the general ones but rather complement them, transforming the mechanism of coercion into a nuanced instrument of rights protection adapted to the age-related, psychological and social needs of the minor.

A central place among the specific principles is occupied by the principle of the best interests of the child, enshrined in Article 3 of the UN Convention on the Rights of the Child, as well as in the provisions of the Family Code of Ukraine and the Law of Ukraine "On the Protection of Childhood" (Law of Ukraine, 2001). As rightly observed by Kyrylchuk, the core components of this principle in contemporary legal doctrine include: the child's own attitude to the situation; consideration of the child's views and wishes in accordance with their age and level of development; preference for resolving issues concerning the child in favour of close relatives; adherence to equality in the exercise of the child's rights; and the provision of appropriate material, educational and cultural conditions (Kyrylchuk, 2023).

The multifaceted nature of this principle determines the specificity of its application at different stages of enforcement proceedings. In particular, it manifests itself already at the stage of initiating proceedings as an imperative qualifying factor that determines heightened priority and a special procedure for the application of enforcement measures. Notably, Article 26 of the Law of Ukraine "On Enforcement Proceedings" establishes a significant exception to the general time limits for voluntary compliance

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in cases concerning contact with a child: instead of the standard ten working days, the enforcement officer must indicate the requirement of immediate compliance by the debtor in ensuring contact between the claimant and the child in accordance with the court decision (Kolodiy, 1998). Thus, enforcement proceedings effectively transition immediately to the stage of active enforcement, involving the application of special measures, including the engagement of guardianship authorities to ensure execution in a manner that minimises psychological harm to the child and aligns with their best interests (Kubrak).

The realisation of the best interests of the child in enforcement proceedings is impossible without recognising the child as an active subject, which necessitates a shift from formal compliance to dialogue with the child. Accordingly, the next principle is the principle of taking into account the views of the child. Pursuant to Article 12 of the UN Convention on the Rights of the Child, a child capable of forming their own views has the right to express those views freely in all matters affecting them, with due weight given in accordance with their age and maturity. In practice, this means that while the child's opinion is not determinative, it constitutes a mandatory evidentiary and evaluative factor that cannot be disregarded without proper justification (UN Convention on the Rights of the Child, 1989).

In enforcement proceedings, this principle acquires particular significance as a safeguard against mechanical coercion that may contradict the child's will. When enforcing decisions concerning contact, transfer, or residence of a child, the enforcement officer, with the support of psychologists and guardianship authorities, is obliged to ascertain the child's attitude to the enforcement actions, provided the child is capable of expressing it. Thus, consideration of the child's views functions not only as a guarantee of their dignity but also as a criterion of the lawfulness of enforcement actions: where a child expresses strong resistance, coercive measures should be suspended or modified, as no judicial decision may be implemented at the cost of severe psychological harm to the child (Family Code of Ukraine, 2002).

The necessity of assessing the child's position and psychological condition imposes tasks on the enforcement officer that extend beyond purely legal expertise. Given that enforcement officers typically lack specialised knowledge in developmental psychology or pedagogy, the implementation of the foregoing principles requires the involvement of professional intermediaries. This gives rise to the principle of inter-agency cooperation and the engagement of specialised actors. This principle is grounded in a comprehensive approach to human rights protection, whereby complex legal situations are addressed through the combined efforts of representatives of various fields and public authorities. Enforcement proceedings affecting vulnerable groups cannot be conducted in isolation; they must be supported by expert input to ensure both safety and legality. The involvement of specialists (psychologists, educators, medical professionals) and relevant authorities enables a holistic assessment of the situation, reducing the risks of subjectivity and professional error that could otherwise lead to violations of fundamental rights.

Within enforcement proceedings involving children, this principle translates into a direct obligation of the enforcement officer to involve guardianship authorities and, where necessary, psychologists and educators in the execution of enforcement actions. These specialised actors function not merely as consultants but as guarantors of compliance with the principle of the best interests of the child, assisting in determining the appropriate time, place and manner of enforcement so as to minimise harm (Law of Ukraine, 2016). Consequently, inter-agency cooperation transforms enforcement proceedings from a bilateral "creditor–debtor" relationship into a multifaceted rights-protection process, where professional participation serves as a safeguard against harm to the child during enforcement.

Among the specific principles, it is also necessary to highlight the principle of

minimisation of psychological and physical impact (the humanisation of coercion). This principle prioritises persuasion over coercion and requires the selection of the least intrusive means of implementing legal prescriptions, thereby preserving a balance between effectiveness and respect for human rights. Humanism in this context does not entail a refusal to enforce decisions, but rather a requirement to do so in a manner that minimises suffering or discomfort for the individual subject to coercive measures. In practice, this necessitates a shift towards "soft power" strategies: conducting enforcement actions in a familiar environment for the child, avoiding overt displays of coercion, and ensuring a supportive atmosphere. This transforms enforcement from a purely authoritative act into a process of social and pedagogical support, where success is measured not only by formal compliance but by the preservation of the child's emotional well-being.

Finally, an important specific principle closely related to the general principle of openness—is the principle of confidentiality and protection of the child's private life. In legal doctrine, this principle is viewed as a means of safeguarding human dignity and security, particularly where disclosure of certain information may lead to social stigmatisation or psychological harm. In the present context, it operates as a strict limitation on transparency, requiring the enforcement officer to ensure that enforcement actions (such as the transfer of a child or arrangements for contact) are conducted in a manner that excludes access by third parties and the media. In practice, this entails not only prohibiting the dissemination of photographs or video recordings involving the child, but also exercising particular caution in record-keeping and documentation to prevent sensitive details of the child's family circumstances or health from entering the public domain.

4. Conclusions

The present study substantiates that the implementation of guarantees for the protection of children's rights within enforcement proceedings should be understood not as a purely procedural activity, but as a complex human rights mechanism grounded in a coherent system of principles. The analysis has demonstrated that the effectiveness of such protection depends on the organic interaction between general principles, which ensure the legality and stability of enforcement, and special principles, which reflect the specific nature of childhood as a distinct object of legal protection.

It has been established that, within this system, general principles acquire a modified content when applied to cases involving children, as they must be interpreted through the prism of heightened vulnerability, dependency, and the need to safeguard the child's psychophysical well-being. At the same time, special principles such as the best interests of the child, consideration of the child's views, inter-agency cooperation, humanisation of coercion, and confidentiality serve to concretise and operationalise the human rights orientation of enforcement proceedings, ensuring that coercive measures are applied in a manner consistent with the child's dignity and developmental needs.

Particular emphasis has been placed on the principle of the best interests of the child as a system-forming and overriding guideline that determines the direction, content, and limits of all enforcement actions. It is this principle that ensures the necessary balance between the binding nature of judicial decisions and the imperative to protect the child from potential harm arising from their enforcement.

Furthermore, the study has shown that the practical realisation of these principles requires a shift from a formalistic model of enforcement to a multidisciplinary and child-centred approach, involving cooperation between enforcement authorities and specialised professionals. Such an approach not only enhances the legitimacy of enforcement actions but also minimises the risk of adverse psychological and physical consequences for the child.

At the same time, it should be emphasised that the proposed system of

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principles is not exhaustive. The dynamic development of social relations, as well as the continuous evolution of international standards in the field of children's rights, creates the preconditions for further refinement and expansion of this system. Accordingly, future research should be directed towards the development of practical mechanisms for the implementation of these principles and the identification of new doctrinal approaches capable of strengthening the effectiveness of legal protection at the stage of enforcement proceedings.

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THE IMPACT OF MARTIAL LAW ON ECONOMIC ACTIVITY IN UKRAINE

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Abstract

This article examines the impact of the legal regime of martial law on economic activity in Ukraine. It analyzes key challenges faced by businesses under armed aggression, including disruptions to economic ties, destruction of production and transport infrastructure, complications in logistics, and overall economic instability. Military operations caused substantial material losses and required rapid adaptation to new legal and economic conditions. The study pays particular attention to the legal framework governing economic activity during martial law, highlighting legislation that defines the economy's specific functioning and state mechanisms influencing business operations. The application of force majeure provisions in cases where contractual obligations cannot be fulfilled due to hostilities is emphasized as crucial for ensuring legal certainty. The article also considers the effects of martial law on logistics and foreign economic activity, noting that damaged transport infrastructure, port restrictions, and reliance on alternative routes have complicated export and import operations and increased costs. Government support measures are examined, including relocation of enterprises from combat zones to safer regions, preserving production capacity, jobs, and economic activity. Simplified procedures for starting and conducting business, such as declarative permissions for certain activities, are also highlighted. The study concludes that martial law has significantly transformed the conditions of economic activity in Ukraine, while stimulating the development of flexible legal mechanisms for regulation. Effective state policy supporting entrepreneurship, improving the regulatory framework, and the ability of businesses to adapt to crisis conditions are identified as essential for ensuring economic stability and facilitating the restoration of the state's economic activity.

Keywords: commercial law, martial law, economic activity, business entities, state regulation of the economy, economic stability.

1. Introduction

The full-scale armed aggression against Ukraine and the introduction of martial law have fundamentally altered the conditions for the functioning of the national economy and the legal environment in which business entities operate. Economic activity, as a key component of state stability, has been significantly affected by military operations, which have led to the destruction of infrastructure, disruption of supply chains, loss of production capacities, and increased risks for entrepreneurial activity (Resolution of the Cabinet of Ministers of Ukraine, 2022). In such circumstances, the role of legal regulation becomes particularly important, as it must ensure both the continuity of economic processes and the protection of the rights and interests of business entities

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under conditions of heightened uncertainty (Kulakova, 2023). The legal regime of martial law introduces a specific framework for the organisation of economic activity, characterised by a combination of restrictive measures and regulatory flexibility. On the one hand, the state is compelled to impose certain limitations related to security needs, including restrictions on movement, use of property, and certain types of economic operations (Andrushchenko, 2022). On the other hand, there is a clear necessity to create favourable conditions for the preservation and adaptation of business, which is reflected in the introduction of simplified procedures, deregulation measures, and targeted state support programmes.

In this context, particular importance is attached to the issue of legal certainty in contractual relations. The inability of business entities to fulfil their obligations due to hostilities, occupation of territories, or destruction of assets necessitates the active application of force majeure provisions. The proper legal interpretation and implementation of such mechanisms are essential for maintaining trust in economic relations and preventing unjust liability. Furthermore, martial law has had a profound impact on logistics and foreign economic activity. The blockade or restriction of traditional transport routes, especially maritime channels, has forced businesses to reorient supply chains and rely on alternative, often more costly, logistical solutions. This has significantly affected export-import operations, increased transaction costs, and reduced the competitiveness of Ukrainian enterprises in international markets (Serebryak, 2023).

At the same time, the state has undertaken a number of measures aimed at supporting economic activity under wartime conditions. These include the relocation of enterprises from areas of active hostilities to safer regions, the introduction of simplified procedures for starting and conducting business, and the implementation of regulatory adjustments designed to reduce administrative burdens. Such measures are intended to preserve production potential, maintain employment, and ensure the resilience of the national economy. The purpose of this article is to analyse the impact of the legal regime of martial law on economic activity in Ukraine, to identify the key challenges faced by business entities, and to assess the effectiveness of legal mechanisms and state policies aimed at ensuring economic stability under conditions of armed conflict. The study is based on a systematic analysis of legislation, as well as the application of general scientific and special legal methods, including formal-logical and comparative approaches.

The scientific novelty of the research lies in the comprehensive examination of martial law as a factor transforming the legal regulation of economic activity, as well as in identifying the interrelation between restrictive measures and mechanisms of economic support. The practical significance of the study consists in the possibility of using its conclusions to improve legal regulation and to enhance the effectiveness of state policy in supporting business under crisis conditions.

2. Literature Review

The issue of economic activity under martial law has attracted considerable scholarly attention, particularly in the context of the full-scale armed aggression against Ukraine. The legal foundations of such activity are primarily determined by the Law of Ukraine “On the Legal Regime of Martial Law”, which establishes the general framework for the functioning of the state, including the possibility of introducing temporary restrictions on economic rights, special regimes of property use, and enhanced powers of public authorities in regulating economic processes (Law of Ukraine, 2015). This normative act serves as the cornerstone for understanding the transformation of economic relations under extraordinary conditions.

A number of scholars have examined the regulatory peculiarities of economic activity during martial law. In particular, Andrushchenko (2022) emphasises that the

legal regulation of business under such conditions is characterised by a combination of restrictive and facilitative measures aimed at maintaining economic stability. Similarly, Sieriebriak (2023) highlights the adaptive nature of legal regulation, noting that the state introduces flexible mechanisms to ensure the continuity of business operations while addressing security challenges. These studies underline the dual nature of legal influence on economic activity during wartime.

An important aspect of the functioning of business entities under martial law is the application of force majeure provisions. The legal basis for recognising such circumstances is closely linked to the activities of chambers of commerce and industry, which are authorised to certify force majeure events in accordance with the Law of Ukraine "On Chambers of Commerce and Industry in Ukraine" (1997). This mechanism plays a crucial role in ensuring legal certainty in contractual relations when obligations cannot be fulfilled due to hostilities.

The economic consequences of martial law have also been analysed from the perspective of logistics and cost formation. Kulakova, Kalembet, and Podkopova point out that military actions significantly increase logistical costs for enterprises due to the destruction of infrastructure, disruption of supply chains, and the need to use alternative transport routes (Kulakova et al., 2023). These findings are consistent with broader observations regarding the reorientation of logistics and the increased financial burden on businesses operating under wartime conditions.

In addition to restrictive factors, the literature also highlights state measures aimed at supporting economic activity. Government initiatives, such as the relocation of enterprises from combat zones to safer regions, are regulated by specific acts, including the Resolution of the Cabinet of Ministers of Ukraine No. 246-p (2022). These measures are designed to preserve production capacity, maintain employment, and ensure the continuity of economic processes. Moreover, the Resolution of the Cabinet of Ministers No. 314 introduces simplified procedures for conducting business, including declarative principles for obtaining permits, which significantly reduce administrative barriers (Resolution of the Cabinet of Ministers of Ukraine? 2022).

Scholars have also focused on the broader impact of martial law on entrepreneurial activity. Pankova and Hutsaliuk note that businesses in Ukraine face unprecedented challenges, including uncertainty, financial losses, and the need for rapid adaptation, while at the same time benefiting from certain deregulatory initiatives introduced by the state (Pankova and Gutsalyuk, 2023). In this regard, analytical materials from the American Chamber of Commerce in Ukraine further confirm the trend towards simplification of regulatory procedures and the creation of more flexible conditions for business operations during martial law (Simplification of the conditions for conducting economic activity during a period of martial law (emergency), 2026).

Despite the existing body of research, it should be noted that most studies address individual aspects of economic activity under martial law such as legal regulation, logistics, or state support without offering a comprehensive analysis of their interrelation. Therefore, there remains a need for an integrated approach that would combine legal and economic perspectives in assessing the impact of martial law on business activity in Ukraine.

Despite the availability of scientific research on the issues of legal regulation of economic activity under martial law, some aspects of this issue remain insufficiently studied. In particular, further scientific analysis of the effectiveness of the application of legal mechanisms to support business entities, the adaptation of business activities to wartime conditions, as well as the improvement of regulatory and legal regulation of economic relations taking into account new economic challenges, is required. In addition, research into the impact of martial law on the organization of economic activity, the functioning of the permitting system, and the implementation of state policy in the field of business support remains relevant

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2. Materials and Methods

This study is based on a comprehensive analysis of the legal and economic aspects of the functioning of economic activity in Ukraine under the legal regime of martial law. The research relies on a combination of normative legal acts, academic literature, and analytical materials that reflect both the regulatory framework and practical challenges faced by business entities in wartime conditions.

The primary materials of the study include legislative and subordinate normative acts of Ukraine that establish the legal foundations of economic activity during martial law. In particular, the Law of Ukraine "On the Legal Regime of Martial Law" serves as the key legal source defining the general principles and specific features of state regulation under extraordinary conditions. In addition, the study considers the provisions of the Law of Ukraine "On Chambers of Commerce and Industry in Ukraine", which regulate the certification of force majeure circumstances, as well as resolutions of the Cabinet of Ministers of Ukraine, including Resolution No. 314 on ensuring the conduct of economic activity and Resolution No. 246-p concerning the relocation of enterprises from areas of hostilities. These legal acts provide the normative basis for analysing state policy and regulatory mechanisms affecting business operations.

The empirical and analytical foundation of the research is supplemented by scholarly publications addressing various aspects of economic activity under martial law. These include studies on the legal regulation of business activity, the challenges of entrepreneurial activity and the transformation of logistics and cost structures. Additional insights are drawn from analytical reports, including materials of the American Chamber of Commerce in Ukraine, which provide practical perspectives on the simplification of business conditions during wartime.

The methodological framework of the study is based on a combination of general scientific and special legal methods. The method of analysis and synthesis is used to examine the content of legal norms and to identify key trends in the regulation of economic activity. The formal-logical method enables the interpretation of legislative provisions and the clarification of their internal consistency. The system-structural method is applied to determine the interrelation between different elements of the regulatory framework and their impact on economic processes.

In addition, the comparative method is employed to assess the interaction between restrictive and facilitative legal mechanisms introduced under martial law. This approach allows for the identification of the balance between state control and deregulation measures aimed at supporting business activity. The functional method is used to evaluate the effectiveness of specific legal instruments, such as force majeure certification, simplified permitting procedures, and enterprise relocation policies. The study also applies elements of a qualitative approach, as it focuses on the interpretation of legal norms, doctrinal positions, and practical implications rather than quantitative measurement. This allows for a deeper understanding of the transformation of economic activity under martial law and the role of legal regulation in ensuring economic resilience.

Overall, the chosen materials and methods provide a comprehensive basis for analysing the impact of martial law on economic activity in Ukraine, enabling the identification of key challenges, regulatory responses, and prospects for further development of legal support for economic activity.

3. Result and Discussion

The introduction of the legal regime of martial law in Ukraine has had a profound and multidimensional impact on the functioning of the national economy and the conditions under which economic activity is carried out. Business entities have been compelled to operate in an environment characterised by heightened security risks, macroeconomic instability, and the necessity for rapid institutional and operational

adaptation. The armed aggression has not only disrupted traditional economic processes but has also fundamentally transformed the legal and regulatory framework governing economic relations (Kulakova et al., 2023). As a result, economic activity in Ukraine under martial law is increasingly shaped by the interplay between restrictive state measures and adaptive legal mechanisms designed to ensure continuity and resilience.

One of the most immediate consequences of the war has been the direct material damage inflicted upon enterprises. A significant number of businesses have suffered losses due to the destruction of production facilities, damage to transport and energy infrastructure, and the interruption of supply chains. Industrial regions, particularly those located near active combat zones, have experienced substantial declines in production capacity. For instance, manufacturing enterprises reliant on fixed infrastructure such as metallurgy, heavy industry, and energy production have been disproportionately affected due to their limited mobility and high dependence on stable logistical networks.

In addition to physical destruction, enterprises have faced the collapse of established economic linkages. Many business relationships have been disrupted due to the occupation of territories, displacement of populations, or the cessation of operations by counterparties. This has led to a systemic breakdown of contractual chains, where the inability of one party to perform obligations triggers cascading failures across multiple sectors. Consequently, economic activity has increasingly taken place under conditions of persistent uncertainty, requiring both flexible legal responses and strategic adaptation by business entities.

The legal framework governing economic activity during martial law is primarily defined by the Law of Ukraine "On the Legal Regime of Martial Law" (Law of Ukraine, 2015). This legislative act establishes the authority of state bodies to introduce special measures aimed at safeguarding national security, stabilising the economy, and ensuring the functioning of critical sectors. These measures include, inter alia, the temporary restriction of certain rights and freedoms, the requisition or controlled use of private property for defence purposes, and the introduction of special operational regimes for specific industries. From a legal perspective, these provisions significantly alter the operating environment for business entities. Enterprises must account for potential state intervention in their activities, including the possibility of resource reallocation, changes in regulatory requirements, and limitations on economic autonomy. While such measures are justified by the exigencies of national defence, they introduce additional layers of legal and operational complexity that businesses must navigate.

A particularly acute challenge arising from martial law is the inability of enterprises to fulfil contractual obligations. The disruption of production processes, logistical constraints, and forceful interruptions of economic activity have led to widespread instances of non-performance or delayed performance. In this context, the doctrine of force majeure has assumed central importance as a legal mechanism for mitigating liability.

Under the Law of Ukraine "On Chambers of Commerce and Industry in Ukraine" (Law of Ukraine, 1997), military aggression and hostilities are recognised as circumstances of force majeure. This recognition allows parties to contractual relationships to seek exemption from liability where non-performance is directly attributable to such circumstances. However, the practical application of force majeure provisions requires careful legal assessment, as businesses must demonstrate a causal link between the war-related event and their inability to perform contractual obligations.

For example, a manufacturing enterprise unable to deliver goods due to the destruction of its production facility may invoke force majeure, provided it can substantiate the impact of hostilities on its operations. Conversely, a company experiencing general economic difficulties without a direct link to war-related events may face challenges in relying on this legal mechanism. Thus, while force majeure provides an essential safeguard, its application remains context-dependent and requires evidentiary support.

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The impact of martial law is particularly evident in the sphere of logistics, which constitutes a critical component of economic activity. The destruction of transport infrastructure, including roads, railways, and ports, has significantly disrupted the movement of goods. Maritime logistics, which traditionally played a central role in Ukraine's export-oriented economy, has been severely constrained due to security risks and operational restrictions on ports.

As noted by Kulakova, Kalembet, and Podkopova, enterprises have experienced a substantial increase in logistical costs as a result of these disruptions (Kulakova, 2023). Businesses have been forced to rely on alternative transport routes, such as overland corridors through neighbouring countries, which are often more expensive and less efficient. This has led to increased production costs, reduced profit margins, and diminished competitiveness in international markets.

To illustrate the key transformations in logistics under martial law, the following table 1 summarises the main changes and their economic implications:

Table 1. main changes and their economic implications

Aspect of Logistics	Pre-Martial Law Conditions	Martial Law Conditions	Economic Impact
Transport routes	Stable, optimised routes	Disrupted, rerouted logistics	Increased delivery time and costs
Maritime exports	High reliance on ports	Restricted port operations	Reduced export volumes
Supply chains	Established and predictable	Fragmented and unstable	Increased uncertainty
Fuel availability	Relatively stable	Periodic shortages	Rising operational costs
Cross-border trade	Efficient customs procedures	Overloaded border checkpoints	Delays and congestion

The table demonstrates that logistical disruptions have had systemic effects across all sectors of the economy, reinforcing the need for both infrastructural recovery and adaptive logistical strategies.

In response to these challenges, the Ukrainian government has implemented a range of measures aimed at supporting business activity and preserving economic potential. One of the most significant initiatives has been the relocation of enterprises from combat zones to safer regions. This policy is formalised in the Resolution of the Cabinet of Ministers of Ukraine No. 246-p (Resolution of the Cabinet of Ministers of Ukraine, 2022), which establishes a framework for the transfer of production capacities.

The relocation programme has enabled numerous enterprises to resume operations in relatively secure areas, thereby preserving jobs and maintaining production. For example, several manufacturing companies from eastern Ukraine have successfully re-established operations in western regions, benefiting from state assistance in transportation, infrastructure access, and administrative facilitation. While relocation entails significant costs and organisational challenges, it represents a critical mechanism for ensuring the continuity of economic activity. Another key area of reform has been the simplification of regulatory procedures. The Resolution of the Cabinet of Ministers of Ukraine No. 314 (Resolution of the Cabinet of Ministers of Ukraine, 2022) introduced a declarative principle for certain types of economic activity, allowing businesses to operate without obtaining traditional licences or permits. Instead, enterprises are required to submit a declaration confirming their compliance with legal requirements. This approach has significantly reduced administrative barriers and enabled faster entry

into economic activity. For newly established businesses or those resuming operations after disruption, the declarative system provides a flexible and efficient alternative to traditional licensing procedures. At the same time, it places greater responsibility on businesses to ensure compliance with regulatory standards.

However, this deregulation has not been without limitations. Beginning on 14 March 2025, the automatic extension of licences and permits was abolished, requiring businesses to renew or obtain such documents in accordance with standard procedures (Pankova and Gutsalyuk, 2023). This shift reflects a gradual transition from emergency regulatory measures towards the restoration of normal legal order.

The implications of this change are twofold. On the one hand, it enhances regulatory oversight and ensures compliance with legal standards. On the other hand, it increases administrative burdens on businesses, particularly those operating under resource constraints. Enterprises must now engage in more rigorous planning to avoid disruptions caused by expired permits or non-compliance. In addition to regulatory reforms, the state has introduced measures to simplify interactions between businesses and public authorities. One such measure is the suspension of statutory deadlines for administrative procedures, which allows businesses greater flexibility in fulfilling regulatory obligations (Simplification of the conditions for conducting economic activity during a period of martial law (emergency), 2026). This approach acknowledges the practical difficulties faced by enterprises in wartime conditions and provides a degree of procedural relief. The financial dimension of economic activity has also been significantly affected by martial law. Enterprises operate in an environment characterised by fluctuating exchange rates, inflationary pressures, and reduced consumer demand. These factors contribute to increased financial risks and necessitate strategic adjustments in business models. For instance, companies have been compelled to diversify their markets, optimise costs, and adopt more flexible operational strategies. Some enterprises have shifted from export-oriented models to domestic markets, while others have explored digitalisation and remote service provision as means of sustaining activity. These adaptive strategies highlight the resilience of Ukrainian businesses, but also underscore the structural challenges posed by the wartime economy.

Overall, the results of this study indicate that martial law has led to a fundamental transformation of economic activity in Ukraine. The legal and economic environment has become more complex, requiring a delicate balance between state intervention and market autonomy. While restrictive measures are necessary for national security, they must be complemented by supportive policies that enable businesses to adapt and survive.

In this context, the effectiveness of state policy is determined by its ability to maintain this balance. Flexible legal regulation, timely administrative decisions, and targeted support measures play a crucial role in mitigating the negative effects of war and creating conditions for economic recovery. At the same time, the evolving nature of the conflict necessitates continuous adaptation of both legal frameworks and business practices. In conclusion, the findings demonstrate that economic activity under martial law is characterised by a dynamic interplay between disruption and adaptation. While the challenges are substantial, the combination of legal innovation, state support, and business resilience provides a foundation for sustaining economic stability and facilitating future recovery.

4. Conclusions

The conducted research demonstrates that the introduction of the legal regime of martial law in Ukraine has led to a profound transformation of the conditions under which economic activity is carried out. Business entities have been forced to operate in an environment characterised by heightened risks, instability, and significant structural disruptions, including the destruction of infrastructure, breakdown of established

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economic ties, and complications in logistics and foreign economic activity. These factors have substantially affected the sustainability and efficiency of entrepreneurial activity, requiring rapid adaptation to new legal and economic realities.

At the same time, the study confirms that the legal framework governing economic activity under martial law plays a decisive role in ensuring the continuity of business processes. The provisions of the Law of Ukraine "On the Legal Regime of Martial Law", along with related нормативно-правові акти, establish a special regulatory regime that combines restrictive measures necessary for national security with mechanisms aimed at supporting economic stability. In particular, the application of force majeure provisions under the Law of Ukraine "On Chambers of Commerce and Industry in Ukraine" has become an essential legal instrument for mitigating the consequences of non-performance of contractual obligations caused by hostilities.

The research also highlights the significant impact of martial law on logistics and cost structures, which has resulted in increased operational expenses and reduced competitiveness of enterprises. At the same time, state support measures such as the relocation of enterprises and the introduction of simplified procedures for conducting business have played an important role in preserving production capacity, maintaining employment, and enabling businesses to continue their activities under challenging conditions. An important finding of the study is the dynamic nature of legal regulation during martial law. The transition from simplified and deregulated procedures towards the gradual restoration of standard regulatory mechanisms, including the renewal of licences and permits, reflects the state's attempt to balance the need for economic support with the necessity of ensuring proper legal oversight. This demonstrates that the regulatory framework is not static but evolves in response to changing socio-economic conditions.

Furthermore, the analysis indicates that the effectiveness of economic activity under martial law depends not only on state policy but also on the adaptability of business entities. Enterprises that are capable of revising their business models, optimising costs, and exploring alternative markets and logistics solutions are better positioned to withstand кризові умови and maintain their economic viability.

In general, martial law has significantly complicated the functioning of the national economy, while simultaneously stimulating the development of flexible legal mechanisms and adaptive economic practices. The findings of this study suggest that further improvement of the regulatory framework, enhancement of state support measures, and strengthening of legal certainty in economic relations are essential for ensuring long-term economic stability and facilitating post-war recovery.

Future research should focus on assessing the effectiveness of specific regulatory instruments, analysing comparative international experiences of economic functioning under emergency regimes, and developing recommendations for improving legal regulation in conditions of prolonged crisis.

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CURRENT ISSUES IN LEGAL PREVENTION AND COUNTERACTION OF CRIME IN THE FIELD OF INFORMATION TECHNOLOGIES

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Abstract

The article analyses contemporary challenges in the legal prevention and combating of cybercrime amid rapid digitalisation, expansion of cyberspace, and advances in telecommunications. Cybercrime is characterised as a dynamic and transnational phenomenon encompassing offences such as unauthorised interference with computer systems, illegal collection of personal data, distribution of malicious software, phishing, social engineering, and violations of intellectual property rights. Key factors hindering effective counteraction are identified, including the high latency of cybercrime, its cross-border nature, and the use of advanced technologies by offenders, such as anonymisation tools, cryptocurrencies, blockchain, artificial intelligence, and automated systems. The study examines legal, institutional, and organisational mechanisms for combating cybercrime in Ukraine and internationally, with particular attention to international legal standards, including the Council of Europe Convention on Cybercrime, EU legal instruments, and recommendations of international organisations. The article highlights the growing importance of integrating innovative technologies into law enforcement practice, including digital forensics, artificial intelligence for big data analysis, automated threat detection systems, and advanced monitoring tools. It is emphasised that digital forensics as an emerging scientific field significantly enhances pre-trial investigation, evidence collection, and the administration of justice in cybercrime cases. The author argues that effective counteraction to cybercrime requires a comprehensive, interdisciplinary approach combining legal reform, technological innovation, professional training, cybersecurity awareness, and strengthened international cooperation. Special attention is given to the need to adapt criminal justice mechanisms under martial law, where cyber threats to critical infrastructure intensify. Strengthening cybercrime prevention is essential for ensuring national and information securityKeywords: cybercrime, digitalization, artificial intelligence, forensics, digital forensics, information technology, cyberattacks.

Keywords: cybercrime; cybersecurity; digital forensics; information technology crime; transnational crime;

1. Introduction

The rapid advancement of digital technologies, the globalisation of the information space, and the growing scale and sophistication of cyber threats have created a fundamentally new security environment in which traditional mechanisms for combating crime are increasingly inadequate. In this transformed landscape, cybercrime has emerged as one of the most serious challenges to both national and international security. It encompasses a wide spectrum of offences, ranging from cyber fraud and unauthorised access to computer systems to large-scale attacks on critical infrastructure, state institutions, and information resources. As societies become more dependent on digital systems, the potential consequences of such offences intensify, affecting not only economic stability but also public safety, democratic governance, and the protection of fundamental rights (Halushko, 2025).

This issue acquires particular urgency under conditions of martial law, where cyberspace becomes a crucial domain of confrontation. In such circumstances, cyberattacks are often integrated into broader hybrid warfare strategies and may target energy systems, communication networks, financial institutions, and governmental databases. The digital environment thus transforms into both a tool and a battlefield, requiring states to ensure not only conventional security but also resilience in the cyber domain. Consequently, the effectiveness of criminal justice systems in responding to cyber threats becomes a key determinant of national security (Helzhynska and Kravchyk, 2025). The complexity of combating cybercrime is обусловлена several interrelated factors. First, cyber offences are characterised by a high level of latency, as many incidents remain undetected or unreported due to technical difficulties, lack of awareness, or reputational concerns of victims. Second, the transnational nature of cybercrime significantly complicates jurisdictional issues, evidence gathering, and international cooperation. Offenders can operate across multiple jurisdictions simultaneously, exploiting legal inconsistencies and gaps in regulatory frameworks. Third, the rapid evolution of digital technologies continuously expands the arsenal of tools available to criminals. These include anonymisation services, cryptocurrencies, blockchain technologies, artificial intelligence systems, and automated attack mechanisms, all of which enhance the sophistication and concealment of criminal activities. In this context, it becomes evident that existing national legal systems often lag behind technological developments. Normative frameworks designed for traditional forms of crime are not always capable of adequately addressing the specific digital offences, particularly with regard to the identification, collection, and admissibility of electronic evidence (Lysko et al., 2022) The need to ensure procedural safeguards while maintaining investigative efficiency further complicates this task. As a result, the development of effective mechanisms for the legal prevention, detection, and investigation of cybercrime represents an urgent priority for modern states.

A promising direction in addressing these challenges lies in the integration of innovative technologies into law enforcement practice. In particular, the use of artificial intelligence systems offers significant potential for enhancing the analysis of large datasets, detecting patterns of criminal behaviour, and predicting cyber threats. Similarly, advances in digital forensics enable more efficient identification, preservation, and examination of electronic evidence, thereby strengthening the evidentiary basis in criminal proceedings. These technological tools, however, must be accompanied by appropriate legal regulation to ensure their lawful and ethical application (Maras, 2016).

The issues of combating cybercrime and ensuring information security have attracted considerable attention from both domestic and foreign scholars and practitioners. The theoretical foundation of this study is based on research addressing general trends in the development of cybercrime, as well as the legal and organisational mechanisms for countering it. In particular, scholarly works have examined the evolution

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of criminal liability for cyber offences in the context of digitalisation, as well as the conceptual and socio-legal nature of cybercrime. Significant attention has also been devoted to international legal aspects, including the provisions of the Council of Europe Convention on Cybercrime and relevant European Union directives, which establish key standards in the field of cybersecurity and digital criminal justice (Verizon, 2024).

Despite the substantial body of academic research and the existence of numerous international initiatives, several important aspects of legal prevention and counteraction to cybercrime remain insufficiently developed (Wall, 2007). Among the most pressing unresolved issues is the need for comprehensive adaptation of national legislation to the rapid pace of technological change. Legal norms must be flexible enough to respond to emerging forms of cyber threats while maintaining legal certainty and the protection of individual rights. Furthermore, challenges persist in ensuring the proper collection, authentication, and admissibility of digital evidence in judicial proceedings, particularly in cross-border contexts.

Another significant issue concerns the effective use of artificial intelligence in criminalistics. While AI technologies offer considerable advantages, their implementation raises complex legal and ethical questions related to transparency, accountability, and potential biases in algorithmic decision-making. In addition, the harmonisation of national mechanisms for combating cybercrime with international standards remains a critical task, requiring enhanced cooperation between states, international organisations, and private sector actors. Equally important is the problem of professional capacity-building in the field of cybersecurity and digital forensics (Luhivska et al., 2024). The growing complexity of cyber threats necessitates the training of highly qualified specialists capable of operating at the intersection of law, information technology, and criminology. However, existing educational and training programmes often fail to meet the demands of this rapidly evolving field, highlighting the need for comprehensive reforms in legal and technical education.

The purpose of this study is to provide a comprehensive analysis of contemporary challenges in the legal prevention and combating of crime in the field of information technology. It aims to identify the key threats facing the national criminal justice system and to develop proposals for improving legal, organisational, and technological mechanisms for countering cybercrime. Particular attention is paid to the integration of international experience and best practices, as well as to the adaptation of criminal justice systems to the realities of digital transformation and martial law.

The study seeks to contribute to the development of an effective and resilient system for combating cybercrime, capable of responding to current and future challenges in the digital environment.

2. Materials and Methods

In the course of the study on the legal prevention and counteraction of crime in the field of information technologies, a complex of interrelated general scientific and special legal methods was employed, ensuring the systematic nature, objectivity, and reliability of the results obtained. The methodological framework of the research is grounded in the provisions of contemporary legal theory, criminology, criminalistics, and information law, which make it possible to consider cybercrime as a complex socio-legal phenomenon emerging under conditions of digitalisation and the transformation of the security environment.

The study applies general scientific methods, in particular analysis and synthesis, which made it possible to generalise scholarly approaches to defining the essence of cybercrime, its key features, and current development trends. The methods of induction and deduction were used to formulate theoretical generalisations and conclusions based on individual empirical and scholarly data. The system approach enabled the examination of cybercrime as a multi-level phenomenon encompassing

legal, organisational, and technological components, as well as the identification of interconnections between them. Comparative analysis was employed to contrast the national legislation of Ukraine with international standards in the field of cybersecurity and the counteraction of cybercrime.

Among the special legal methods, particular importance was attached to the formal-legal method, which was used to analyse the norms of national and international law, including the provisions of the Council of Europe Convention on Cybercrime, European Union directives, and other нормативно-правових acts in the field of information security. The comparative legal method made it possible to examine the experience of foreign countries in combating cybercrime and to determine the prospects for its implementation within the domestic legal system. The method of legal modelling was applied to develop proposals for improving legal and organisational mechanisms for countering cyber threats, while the method of legal interpretation was used to clarify the content of legal provisions and the specific features of their practical application.

The empirical basis of the study consists of scholarly works by domestic and foreign researchers, analytical materials of international organisations, national legal acts of Ukraine and international documents in the field of cybersecurity, as well as the findings of contemporary research on the application of digital forensics and artificial intelligence technologies in law enforcement activities. The combined application of these methods ensured a comprehensive approach to the study, enabling the formulation of scientifically substantiated conclusions and practical recommendations aimed at enhancing the effectiveness of legal prevention and counteraction to cybercrime in the context of digitalisation and martial law.

3. Result

The contemporary development of information technologies has significantly transformed the nature of criminal activity and generated new challenges for law enforcement agencies and the criminal justice system. Cybercrime today constitutes a complex socio-legal phenomenon encompassing a broad range of unlawful activities in the digital environment, including unauthorised access to information systems, data manipulation and falsification, cyber fraud, dissemination of malicious software and harmful content, as well as infringements of copyright and related rights.

The growth of cybercrime is driven by several interrelated factors, notably the widespread integration of digital technologies into all spheres of social life, the increasing interconnectedness of computer systems, and the globalisation of economic and social processes. In the context of armed conflict and heightened national security threats, the risk of cyberattacks targeting critical infrastructure, financial institutions, public authorities, and defence enterprises increases substantially. These threats are systemic in nature and affect not only specific sectors of public administration but national security as a whole (Council of Europe, 2001).

One of the key challenges is the high level of latency associated with cybercrime. Empirical studies indicate that a significant proportion of cyber offences remain undetected or are inadequately investigated. According to Krapyvin, more than 90% of cybercrimes in Ukraine are not promptly identified, which creates serious difficulties not only for law enforcement agencies but also for the judiciary, particularly in relation to the lawful collection, preservation, and admissibility of digital evidence (Yak v Ukraini rozsliduiut kiberzlochyny?, n.d.).

Another major challenge lies in the rapid technological sophistication of criminal activities. Offenders increasingly utilise advanced technologies widely available in civilian and commercial sectors, including blockchain, artificial intelligence, robotics, and unmanned systems. The deployment of such technologies enables perpetrators to minimise detection risks and maintain anonymity, thereby complicating identification and prosecution processes.

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Halushko (2025) also emphasises the socio-psychological dimension of cybercrime. Such offences may cause not only financial losses but also harm to individuals' mental well-being, while infringing upon rights to privacy and confidentiality. This creates additional challenges for the legal system, which must strike a balance between effective crime control and the protection of fundamental human rights.

In these circumstances, modern criminalistics and law enforcement in Ukraine require the integration of advanced digital technologies and innovative investigative methods. This includes the development of specialised approaches to detecting, recording, and analysing digital traces, the training of qualified professionals in digital forensics, and the implementation of comprehensive strategies to counter cybercrime, taking into account international experience and current technological trends.

The problem of cybercrime is not limited to the increasing number and complexity of offences but also involves the necessity of adapting national criminal justice systems to the realities of a digital society and wartime conditions. Both academic research and practical efforts must focus on a comprehensive response, combining legal, technical, and organisational mechanisms to protect society from digital threats. Cybercrime is inherently global and transcends national borders, necessitating international cooperation and the harmonisation of legal frameworks. At present, the development of effective countermeasures has become a priority for many states and international organisations, as traditional domestic approaches often prove insufficient in addressing transnational cyber threats (Lysko et al., 2022).

One of the fundamental international legal instruments in this field is the Convention on Cybercrime of 2001 (Budapest Convention), which establishes legal standards for criminalising offences such as illegal access to information systems, computer-related fraud, dissemination of malicious software, and copyright violations. It also provides mechanisms for international cooperation, including extradition, evidence sharing, and joint investigations, which are essential for effectively combating cybercrime (Council of Europe, 2001).

The European Union has actively developed its own cybersecurity strategies and legal responses to cyber threats. In particular, the NIS2 Directive establishes requirements for ensuring the security of critical information infrastructure, regulating the obligations of essential service operators and digital service providers in preventing cyber incidents and ensuring timely reporting. These mechanisms enhance transparency and coordination among Member States in the field of cybersecurity (European Union, 2022).

Practical approaches to combating cybercrime worldwide include the establishment of specialised institutions responsible for monitoring cyberspace and responding to cyber incidents. For example, as noted by Lysko, Melanich, and Slavita, the Federal Bureau of Investigation's Cyber Division in the United States coordinates cybercrime investigations at the national level and cooperates with international partners. In the United Kingdom, the National Cyber Security Centre plays a key role in protecting critical infrastructure and advising both public and private sectors on cyber threats (Lysk et al., 2022).

An important aspect of international practice is the integration of advanced technologies into cybercrime prevention and response. Many countries employ analytical platforms based on artificial intelligence, machine learning, and big data to predict cyber threats, detect attacks at early stages, and automate response processes. These technologies enable efficient processing of large volumes of information, identification of anomalous activities, and rapid mitigation of potential damage.

International cooperation also involves the standardisation of digital forensic procedures, exchange of expertise, and professional training. Organisations such as INTERPOL and Europol develop training programmes and practical frameworks that enhance the competencies of investigators, forensic experts, and analysts. This

contributes to the harmonisation of investigative methods, facilitates mutual legal assistance, and ensures efficient information exchange between states. International experience demonstrates that effective counteraction to cybercrime requires a comprehensive approach combining legal regulation, technological protection measures, and professional capacity-building. The incorporation of such practices into national criminal justice systems enhances the effectiveness of responses to digital threats, particularly in the context of global challenges associated with armed conflicts and rapid digitalisation.

Modern criminalistics, in the context of rapid digital transformation, increasingly integrates advanced technologies and artificial intelligence systems to improve the efficiency of pre-trial investigations and judicial proceedings. These technologies not only automate processes but fundamentally transform methods of evidence collection, processing, and analysis. A key area in this regard is digital forensics, which focuses on the identification and examination of digital traces of criminal activity. This includes the analysis of computer systems, mobile devices, network platforms, and other digital data sources. Digital forensic specialists conduct comprehensive examinations involving data extraction, recovery, analysis, and the formation of an evidentiary base for judicial proceedings.

According to V. Shevchuk, artificial intelligence in criminalistics is used to automate analytical processes and improve predictive accuracy. Machine learning algorithms enable the identification of behavioural patterns of offenders, forecasting of potential crime locations and timing, and detection of hidden correlations between events that may not be evident to investigators. Moreover, intelligent systems are capable of processing large datasets from diverse sources, including social media, surveillance systems, and law enforcement databases, significantly reducing the time required for analytical assessments (Shevchuk, 2023).

The use of unmanned technologies and sensor systems is also of considerable importance. Drones and autonomous devices facilitate the collection of evidence in inaccessible or hazardous environments, including the documentation of war crimes, traffic violations, and illicit arms trafficking. Intelligent sensors and networked systems are integrated into early warning frameworks, enabling law enforcement agencies to respond promptly to emerging threats. Beyond practical applications, the use of artificial intelligence in criminalistics also reshapes professional training requirements. Modern investigators, forensic experts, and analysts must possess competencies in digital technologies, understand AI algorithms, conduct technical forensic examinations, and assess the reliability of digital evidence. This gives rise to a new professional role the digital forensic specialist who combines traditional криміналістичні skills with expertise in information technologies (NABU, n.d.). At the same time, the application of digital technologies and artificial intelligence must comply with legal and ethical standards. These technologies should be used in a manner that safeguards human rights, ensures procedural transparency, and maintains objectivity in evidence collection and analysis. Artificial intelligence should be regarded not as a replacement for human expertise but as a supportive tool that enhances investigative efficiency and analytical accuracy.

The integration of digital technologies and AI systems into criminalistics is an essential component of modern legal practice, enabling more effective crime prevention, ускорення investigative processes, and strengthening the evidentiary basis in judicial proceedings. At the organisational level, such integration transforms law enforcement structures, enhances professional competencies, and fosters the development of digital forensics as an independent scientific discipline. The current state of criminalistics demonstrates that digital technologies and artificial intelligence are becoming indispensable elements of law enforcement and judicial processes. At the same time, they generate new research challenges and перспективи for further development and

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integration into the justice system. One of the key perspectives is the establishment of digital forensics as an autonomous scientific field. This involves the systematisation of knowledge on digital traces, the development of standardised methodologies for their identification, preservation, and analysis, and the establishment of unified criteria for evaluating digital evidence in court.

Another important task is the development of comprehensive methods for collecting and processing digital data under conditions of martial law and crisis situations. This requires the integration of multiple data sources, including cloud services, social networks, video surveillance systems, and Internet of Things devices, combined with AI-based analytical tools for automated evidence selection. There is also a growing need to enhance professional training in digital forensics. This involves the creation of advanced educational programmes for investigators, forensic experts, and analysts, combining knowledge of criminalistics with competencies in machine learning, digital modelling, and cybersecurity. The emergence of the digital forensic profession opens new opportunities for specialised education and international knowledge exchange.

Among priority areas is the improvement of legal and ethical frameworks governing the use of digital technologies and artificial intelligence. This includes ensuring data protection, safeguarding human rights, and preventing algorithmic bias. Scientific research should also focus on developing methods for assessing data quality and reliability in order to ensure the admissibility and credibility of digital evidence (Helzhynska and Kravchyk, 2025). Finally, strengthening international cooperation and standardisation in digital forensics remains a critical objective. Joint research initiatives and harmonised methodologies facilitate effective investigation of cybercrime, exchange of digital evidence, and application of advanced technologies across jurisdictions. This enhances the global capacity to combat cybercrime in an increasingly interconnected and digitalised world.

In addition, ongoing research into emerging forms of cybercrime and evolving cyber threats is essential. Continuous monitoring of technological developments and criminal behaviour patterns will enable the development of adaptive protection models and the early detection of potential threats, thereby ensuring a proactive approach to cybersecurity.

4. Discussion

The findings of this study corroborate the position that cybercrime has evolved into a complex and rapidly transforming socio-legal phenomenon, the development of which is closely linked to the processes of digitalisation and globalisation of the information environment. This conclusion is consistent with the views of contemporary scholars, who emphasise the transformation of criminal activity under the influence of digital technologies and the need to reconsider traditional approaches to criminal liability and prevention (Luhivska et al., 2024; Halushko, P2025). In this context, cybercrime should be understood not merely as a category of offences, but as a systemic challenge affecting legal regulation, institutional capacity, and societal security as a whole.

One of the key issues confirmed by this research is the high level of latency of cybercrime, which significantly complicates its detection and investigation. Empirical observations indicate that a substantial proportion of cyber offences remain outside official statistics, thereby undermining the effectiveness of criminal justice responses and limiting the development of evidence-based policy decisions (Yak v Ukraini rozsliduiut kiberzlochyny? (n.d.). This finding aligns with broader international assessments, which highlight the underreporting of cyber incidents as a global problem requiring improved reporting mechanisms and enhanced public awareness (Council of Europe, 2001; National Institute of Standards and Technology, 2018). Consequently, reducing latency should be regarded as a strategic priority in the development of national cybersecurity systems.

The study also contributes to the ongoing academic discourse regarding the role of advanced technologies, particularly artificial intelligence, in the field of criminal justice. The results confirm that AI technologies significantly enhance analytical capabilities, enabling the identification of behavioural patterns, the prediction of cyber threats, and the processing of large volumes of data (Helzhynska and Kravchyk, 2025). At the same time, the integration of such technologies raises complex legal and ethical issues, including concerns related to transparency, accountability, and the protection of personal data. These challenges are widely discussed in both national and international research, which emphasises the necessity of developing appropriate regulatory frameworks to govern the use of AI in law enforcement and judicial processes (Luhivska et al., 2024; Maras, 2016).

An important aspect of the discussion concerns the role of digital forensics as a ключовий component of modern criminalistics. The findings of this study support the view that digital forensics is gradually emerging as an independent scientific discipline with its own methodological foundations and practical significance. However, a number of unresolved issues remain, particularly regarding the standardisation of forensic procedures, the admissibility of digital evidence in court, and the training of specialised experts. These challenges are reflected in both academic literature and practical guidelines, which underline the importance of developing unified standards and strengthening professional competencies in this field (INTERPOL, 2023; Maras, 2016).

The transnational nature of cybercrime necessitates a high level of international cooperation, which is also confirmed by the results of this study. International legal instruments, such as the Convention on Cybercrime, as well as European Union directives, provide a foundational framework for harmonising legal approaches and facilitating cross-border investigations (Europol, 2023; ENISA, 2023). At the same time, practical implementation remains complicated by differences in legal systems, jurisdictional limitations, and varying levels of technological development among states. Reports of international organisations further emphasise the need for coordinated global responses, including information sharing, joint operations, and capacity-building initiatives (ENISA, 2023; Halushko, 2025; Helzhynska and Kravchyk, 2025).

Particular attention should be paid to the специфіка of cybercrime under conditions of martial law, where cyber threats become an integral element of hybrid warfare strategies. In such circumstances, cyberattacks increasingly target critical infrastructure, state institutions, and strategic communication systems, thereby amplifying risks to national security. This observation is consistent with recent analytical reports, which highlight the growing role of cyber operations in modern conflicts and the necessity of integrating cybersecurity into broader defence strategies (National Institute of Standards and Technology, 2018; NABU, n.d.). At the same time, this raises important questions regarding the balance between security measures and the protection of fundamental rights, which require further scholarly examination.

Despite the comprehensive nature of this study, certain limitations should be acknowledged. The research is primarily based on doctrinal analysis and secondary sources, which may not fully reflect the practical challenges faced by law enforcement agencies. In addition, the rapid evolution of digital technologies implies that some of the conclusions may require continuous revision in light of new developments. Future research should therefore focus on empirical investigations, including case studies and practitioner-based analyses, in order to deepen understanding of the operational aspects of combating cybercrime.

In summary, the discussion confirms that effective counteraction to cybercrime requires an integrated and interdisciplinary approach combining legal reform, technological innovation, institutional development, and international cooperation. The findings contribute to the broader academic discourse by identifying key challenges

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and перспективи in this field, while also outlining directions for further research aimed at enhancing the resilience and adaptability of criminal justice systems in the digital age.

Conclusions

The findings of the study demonstrate that, under contemporary conditions, cybercrime constitutes a complex, dynamic, and multidimensional socio-legal phenomenon that evolves in parallel with the processes of digitalisation and the globalisation of the information space. Its defining characteristics include a high level of latency, a transnational nature, technological sophistication, and the capacity for rapid adaptation to emerging digital tools. Taken together, these factors significantly complicate the activities of law enforcement agencies and necessitate a reconsideration of traditional approaches to crime prevention and control.

It is substantiated that the effectiveness of legal prevention and counteraction to cybercrime largely depends on the ability of the national legal system to respond promptly to technological developments. The study establishes that existing legislation requires further adaptation to the realities of the digital environment, particularly with regard to the regulation of the collection, recording, preservation, and evaluation of digital evidence, as well as the delineation of legal boundaries for the use of emerging technologies, including artificial intelligence.

The research demonstrates that a promising avenue for enhancing the effectiveness of counteracting cybercrime lies in the integration of innovative technologies into law enforcement practice. In particular, the application of digital forensics tools, big data analytics, and artificial intelligence algorithms significantly improves the detection, documentation, and investigation of cyber offences. At the same time, it is emphasised that the use of such technologies must be accompanied by appropriate legal regulation, ensuring compliance with the principles of legality, proportionality, transparency, and the protection of fundamental human rights.

It is further established that international cooperation represents a key prerequisite for effectively countering cybercrime, given its inherently cross-border nature. The harmonisation of national legislation with international standards, active participation in joint investigations, and the exchange of information and best practices contribute to increased effectiveness in this domain. In this context, particular importance is attached to the implementation of international legal instruments and the adoption of best practices from leading states and international organisations.

Special attention is devoted to the issue of human resource capacity, as effective counteraction to cyber threats requires the training of a new generation of specialists who combine legal expertise with competencies in information technology, digital forensics, and data analytics. Accordingly, there is a pressing need to modernise educational programmes and to introduce interdisciplinary approaches in the training of professionals for the criminal justice system.

In summary, the study concludes that effective counteraction to cybercrime is possible only through the implementation of a comprehensive approach that integrates the improvement of the legal framework, the deployment of advanced technologies, the development of digital forensics, the enhancement of professional competencies, and the strengthening of international cooperation. The implementation of these measures will contribute to the establishment of a resilient and effective cybersecurity system capable of responding adequately to current and future challenges of the digital environment, particularly under conditions of martial law and heightened threats to national security.

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CRIMINAL ANALYSIS AS A TOOL FOR INCREASING THE EFFICIENCY OF PRE-TRIAL INVESTIGATION IN CASES OF SERIOUS CRIMES

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Abstract

This article examines the role of criminal analysis as a key instrument for enhancing the effectiveness of pre-trial investigations in cases involving serious crimes. It analyzes contemporary approaches to the application of criminal analytical methods and technologies in law enforcement practice, with particular emphasis on their significance for the systematization, interpretation, and forecasting of criminal activity. The author focuses on the methodological foundations of criminal analysis, which provide a comprehensive understanding of the criminogenic situation and facilitate the identification of key factors and relationships among actors involved in criminal activity. An updated methodological model of criminal analysis is proposed, integrating traditional analytical approaches with innovative information technologies, including big data analytics and machine learning methods. The scientific novelty of the study lies in the identification and systematization of key factors influencing the quality of operational and investigative activities, as well as in the development of practical recommendations aimed at optimizing criminal analytical work to improve the accuracy of crime forecasting and the efficiency of solving serious crimes. Particular attention is paid to issues of staffing and regulatory support, which hinder the effective integration of criminal analysis into pre-trial investigation processes. The findings of the study can be implemented in law enforcement practice to enhance the effectiveness of crime control and may also serve as a foundation for further academic research in the field of criminal analysis. The article also addresses the challenges associated with integrating criminal analysis into pre-trial investigations, including the shortage of qualified personnel and the need to implement modern information systems. The proposed recommendations are aimed at improving regulatory frameworks and enhancing the professional qualifications of analytical personnel. The results of the study may be of interest to researchers, law enforcement practitioners, and representatives of the judiciary.

Keywords: criminal analysis; pre-trial investigation; serious crimes; law enforcement; crime forecasting; big data; machine learning

1. Introduction

Enhancing the effectiveness of pre-trial investigations in cases involving serious crimes is an increasingly pressing issue for modern criminal justice systems. Serious crimes, characterized by their complex structure, high level of organization, and significant social consequences, require the application of advanced analytical approaches and technologies. In the context of the growing complexity of the criminogenic

environment and the emergence of new forms of crime, including transnational and cybercrime, traditional investigative methods are not always effective. This necessitates the integration of innovative tools to optimize pre-trial investigation processes, among which criminal analysis occupies a central position (Ratcliffe, 2016; Cope, 2004).

Criminal analysis functions as a comprehensive methodology that combines the systematization, interpretation, and forecasting of criminal activity in order to enhance investigative effectiveness. Through the application of criminal analysis, law enforcement agencies are better equipped to identify the structures of criminal organizations, uncover relationships between actors involved in criminal activity, and predict potential offenses, thereby improving the planning of operational and investigative measures (Boba Santos, 2013; Innes et al., 2005). However, despite its significant potential, the implementation of criminal analysis in pre-trial investigations faces several challenges, including deficiencies in the regulatory framework, a shortage of qualified analysts, technical limitations, and inadequate information systems (Perry et al., 2013).

The study of this issue is important from both theoretical and practical perspectives. Scholars and practitioners in criminal law and criminalistics, as well as law enforcement and judicial authorities, are interested in developing new methods that can improve the quality and speed of investigations, particularly in the face of contemporary crime challenges. At the same time, existing research tends to focus on specific aspects of criminal analysis, often overlooking the integration of traditional analytical methods with modern information technologies, particularly big data analytics and machine learning (McCue, 2015; Mohler et al., 2011).

This study is motivated by the need to provide a comprehensive examination of criminal analysis as a tool for enhancing the effectiveness of pre-trial investigations of serious crimes, taking into account current technological trends and challenges in law enforcement practice. The article aims to address existing gaps in the academic literature and to offer practical recommendations for improving regulatory frameworks and staffing in criminal analytical activities.

Historically, domestic criminal justice systems have primarily relied on criminalistics and operational-search activities as the main means of crime investigation. However, with the increasing complexity of the criminogenic situation, the growth in data volumes, and the emergence of new technologies, there has been a need for a more systematic approach criminal analysis which integrates various analytical methods to improve the quality of evidence and support the forecasting of criminal activity (Chamard, 2006). In practice, however, its application often remains fragmented due to limited resources, the absence of standardized methodologies, and insufficient regulatory support.

The theoretical foundation of this study is based on contemporary concepts of criminal analysis, which define it as a multi-component process of collecting, processing, and interpreting criminal information to provide a comprehensive understanding of the criminogenic situation. Previous research emphasizes that the integration of information technologies, including big data analytics and machine learning algorithms, opens new opportunities for improving the accuracy and speed of analytical outputs (McCue, 2015; Perry et al., 2013).

At the same time, several barriers to the development of criminal analysis in pre-trial investigations have been identified, including a lack of qualified analysts, the absence of unified standards, insufficient legal regulation of data processing and use for analytical purposes, and the technological limitations of information systems within certain law enforcement units (Innes et al., 2005).

The aim of this study is to provide a comprehensive analysis of criminal analysis as a tool for enhancing the effectiveness of pre-trial investigations in cases involving serious crimes, to identify the challenges associated with its implementation, and to develop practical recommendations for improving analytical activities within law enforcement

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agencies.

To achieve this aim, the following objectives are defined:

- To examine the theoretical foundations of criminal analysis in the context of pre-trial investigation;
- To analyze modern methods and technologies of criminal analysis, including innovative information solutions;
- To identify key challenges in integrating criminal analysis into pre-trial investigation practice;
- To develop recommendations for optimizing criminal analytical activities.

The research hypothesis is that the integration of criminal analysis using modern information technologies into pre-trial investigations significantly enhances the effectiveness of solving serious crimes, while also contributing to the optimization of operational-search activities and the forecasting of criminogenic trends. However, achieving these outcomes requires overcoming existing personnel, regulatory and technical barriers.

Thus, the results of this study may serve as a foundation for further academic research in the field of criminal analysis, as well as a practical tool for improving the quality and effectiveness of law enforcement activities in the investigation of serious crimes.

2. Theoretical foundations of criminal analysis in the context of pre-trial investigation of serious crimes

TIn contemporary law enforcement practice, criminal analysis serves as one of the key instruments for ensuring the effectiveness of pre-trial investigations, particularly in cases involving serious crimes. Its theoretical foundations are formed at the intersection of criminalistics, data analytics, operational-search activities, and information technologies, enabling the development of an integrated system for processing and interpreting criminogenic information. Criminal analysis is defined as a systematic process of collecting, processing, generalizing, and interpreting information about crimes, individuals involved, and the circumstances of criminal activity in order to support managerial and procedural decision-making (Ratcliffe, 2016). Its primary functions include informational-analytical, predictive, managerial, and coordination functions.

The informational-analytical function ensures the systematization of fragmented data; the predictive function enables the forecasting of crime trends; the managerial function supports informed decision-making during investigations; and the coordination function facilitates interaction among different law enforcement units (Boba Santos, 2013).

The methodology of criminal analysis is based on a comprehensive approach that combines both quantitative and qualitative research methods. Key approaches include the systemic, structural-functional, situational, and activity-based approaches. The systemic approach allows crime to be examined as a complex and dynamic system in which all elements are interconnected. The structural-functional approach focuses on identifying the roles and functions of individual elements of criminal activity. The situational approach emphasizes the specific conditions under which crimes are committed, while the activity-based approach concentrates on analyzing the behavior of individuals involved in criminal activity (Canter, 2004).

One of the core functions of criminal analysis is the systematization of criminogenic information obtained from various sources, including operational materials, databases, witness testimonies, and digital traces. Through the application of analytical methods, these data are integrated into a unified information model.

The interpretation of criminogenic information enables the identification of hidden relationships between events, the detection of patterns of criminal behavior, the

identification of key actors, and the determination of their roles within criminal activity. This is particularly important in the investigation of organized and serious crimes, where information is often fragmented (Innes et al., 2005).

Modern criminal analysis actively employs both traditional and innovative research methods. Their combination significantly enhances the effectiveness of analytical activities. Traditional methods include forensic analysis, content analysis, comparative analysis, link analysis, and spatio-temporal analysis (crime mapping). These methods make it possible to establish causal relationships, analyze the structure of criminal groups, and identify patterns of criminal activity (Chamard, 2006). Of particular importance is the use of analytical diagrams, which allow for the visualization of relationships among actors, events, and objects, thereby facilitating decision-making processes.

Innovative technologies, particularly big data analytics and machine learning, open new opportunities for criminal analysis. The use of classification, clustering, and forecasting algorithms enables the automation of pattern detection in large datasets (McCue, 2015). Machine learning methods are applied in crime prediction (predictive policing), the analysis of offenders' behavioral patterns, and the identification of risks of recidivism. At the same time, their application requires careful consideration of ethical and legal aspects, particularly data protection issues (Perry et al., 2013).

Effective criminal analysis requires the integration of traditional analytical approaches with modern information technologies. The proposed model is based on a multi-level structure that includes:

1. Data collection level – integration of information from various sources;
2. Processing level – application of traditional analytical methods;
3. Analytical level – use of machine learning algorithms;
4. Interpretation level – formulation of analytical conclusions;
5. Decision-making level – application of results in pre-trial investigations.

This model makes it possible to combine the depth of qualitative analysis with the speed and scalability of digital technologies, which is particularly important in cases involving serious crimes, where time and accuracy are of critical importance.

3. Criminal analysis as a tool for enhancing the effectiveness of operational and investigative activities

In the context of increasing complexity of the criminogenic environment and the growing number of serious crimes, criminal analysis has gained particular importance as a tool for enhancing the effectiveness of operational and investigative activities. Its application enables not only the systematization of large volumes of information but also the identification of hidden patterns, the establishment of links between actors involved in criminal activity, and the provision of evidence-based support for decision-making. Within the framework of intelligence-led policing, criminal analysis serves as a key component that ensures the efficient allocation of law enforcement resources and improves the overall effectiveness of crime control (Ratcliffe, 2016; Cope, 2004).

One of the central tasks of criminal analysis is the identification of key factors influencing criminal behavior, as well as the establishment of relationships among participants in criminal activity. In this context, methods of social network analysis are of particular importance, as they enable the examination of the structure of criminal networks, the identification of leaders, intermediaries, and peripheral actors (Innes et al., 2005).

Contemporary research indicates that the use of analytical tools for examining links between crimes makes it possible to effectively identify serial offenses based on similarities in modus operandi, thereby significantly increasing the clearance rate of complex criminal cases. Furthermore, the application of machine learning methods in combination with classical statistical approaches allows for the automation of such analyses, ensuring higher accuracy and speed of data processing (McCue, 2015; Mohler

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et al., 2011).

An important component of criminal analysis is also the identification of risk factors contributing to criminal activity, including socio-economic, spatial, and behavioral characteristics. The integration of these factors into analytical models makes it possible to develop a comprehensive understanding of the criminogenic situation and to forecast its development (Perry et al., 2013).

Criminal analysis significantly contributes to the optimization of evidence collection processes within operational and investigative activities. Through the use of analytical tools, law enforcement agencies are able to identify priority areas of investigation, concentrate resources on the most significant targets, and avoid duplication of efforts.

In particular, analytical products enable the identification of so-called crime "hot spots," which facilitates more effective planning of operational measures and resource allocation. Studies show that the application of spatio-temporal crime analysis significantly enhances the effectiveness of preventive measures and contributes to crime reduction in targeted areas (Chamard, 2006).

A significant direction in the development of criminal analysis is the use of artificial intelligence technologies for predicting criminal activity. Modern systems are capable of processing large volumes of data, including unstructured information such as texts, images, and digital traces, which allows for the detection of hidden patterns and the forecasting of potential crime scenarios. Such systems improve the accuracy of predictions and enable rapid responses to emerging threats. At the same time, it is important to consider that the effectiveness of forecasting largely depends on the quality of input data and the level of data processing. The presence of incomplete or biased data may distort analytical results, necessitating the implementation of quality control and data verification mechanisms (Perry et al., 2013).

The application of criminal analysis has a direct impact on improving both the speed and quality of pre-trial investigations. First, the use of analytical tools significantly reduces the time required for information processing and decision-making. The automation of analytical processes ensures the rapid identification of relevant data and the formulation of well-grounded conclusions.

Second, criminal analysis enhances the quality of investigations by enabling a deeper understanding of criminal processes and the establishment of causal relationships. Analytical products provide a comprehensive view of the situation, helping to avoid errors associated with fragmented information and improving the substantiation of procedural decisions (Boba Santos, 2013).

Research also demonstrates that the use of analytical data in law enforcement activities allows for more effective deployment of patrol units to high-crime areas, contributing to the reduction of crime rates and improving investigative outcomes (Ratcliffe, 2016). Moreover, the integration of criminal analysis into managerial decision-making processes ensures a more rational use of resources and enhances the effectiveness of operational and investigative measures.

At the same time, despite its considerable potential, the effectiveness of criminal analysis is constrained by several factors, including data quality, the level of training of analytical personnel, and organizational barriers. In particular, researchers note that analytical products require interpretation by police officers, which may introduce subjectivity into decision-making processes (Innes et al., 2005). This underscores the need to improve the professional training of analysts and to develop interdisciplinary competencies.

Thus, criminal analysis represents a powerful tool for enhancing the effectiveness of operational and investigative activities by enabling the identification of key crime factors, optimizing evidence collection, and improving the quality of pre-trial investigations. Its further development is associated with the integration of advanced information technologies, the refinement of methodological approaches, and the improvement of

professional training for specialists.

4. Challenges of integrating criminal analysis into pre-trial investigation and practical recommendations for its improvement

The integration of criminal analysis into the system of pre-trial investigation is a complex, multi-level process accompanied by a range of organizational, technological, кадрових → personnel-related, and regulatory challenges. Despite the significant potential of criminal analysis as a tool for enhancing the effectiveness of crime control, its full implementation in law enforcement practice often encounters both objective and subjective obstacles. At the same time, overcoming these challenges creates opportunities for the qualitative modernization of pre-trial investigations and the improvement of their overall effectiveness.

One of the key challenges is the insufficient level of regulatory and legal support for criminal analysis. In many legal systems, there is no clear definition of the status of a criminal analyst, their powers, or the procedures governing the use of analytical products in criminal proceedings. This creates legal uncertainty regarding the admissibility of analytical findings as evidence or auxiliary materials in the evidentiary process. In addition, restrictions related to the protection of personal data and confidential information complicate data exchange between different units and agencies.

Another significant challenge is the fragmentation of information systems and the lack of their proper integration. In law enforcement practice, multiple databases are often used that lack unified standards for structuring information and do not support automated data exchange. This leads to duplication of information, loss of its relevance, and a decrease in the effectiveness of analytical work. The absence of centralized analytical platforms limits the capacity for comprehensive analysis of the criminogenic situation.

An equally important issue is the insufficient level of personnel capacity. Criminal analysis requires highly qualified specialists who possess both expertise in criminalistics and operational-search activities, as well as skills in modern information technologies, including big data analytics and machine learning methods. However, many law enforcement agencies experience a shortage of such specialists, and the level of their training does not always meet contemporary requirements.

A separate group of challenges consists of organizational barriers, including the low level of interaction between analytical units and investigators, as well as an insufficient understanding of the role of criminal analysis among leadership. In some cases, analytical units perform only auxiliary functions and are not involved in strategic decision-making processes, which significantly reduces their effectiveness.

Another important issue concerns trust in the results of criminal analysis. The use of artificial intelligence and machine learning algorithms may raise concerns regarding the transparency and validity of the results obtained, particularly in cases where such algorithms operate as “black boxes.” This creates risks of misinterpretation of data and the adoption of unjustified decisions.

In order to overcome these challenges and enhance the effectiveness of integrating criminal analysis into pre-trial investigations, it is necessary to implement a set of measures aimed at improving regulatory, organizational, and technological components.

First, it is essential to improve the regulatory and legal framework governing criminal analysis. This includes the legislative recognition of the status of criminal analysts, the definition of their functions and powers, and the regulation of procedures for the use of analytical products in criminal proceedings. It is also important to develop clear standards for the collection, processing, and storage of information, taking into account data protection requirements.

Second, a key priority is the development of a unified integrated information and

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analytical system that ensures centralized access to data, automated processing, and the capacity for comprehensive analysis. Such a system should support the integration of various sources of information, including operational data, criminal records, digital traces, and open-source intelligence. The use of modern technologies, particularly cloud computing and artificial intelligence, would significantly enhance the efficiency of analytical activities.

An important aspect is also the improvement of professional training. It is necessary to introduce specialized educational programs for criminal analysts that combine theoretical knowledge with practical skills in the use of analytical tools. Regular training and professional development for law enforcement personnel are also essential for fostering analytical thinking and a deeper understanding of the capabilities of criminal analysis.

To overcome organizational barriers, it is necessary to ensure the integration of analytical units into managerial decision-making processes. This includes their active participation in planning operational-search measures, as well as the establishment of effective cooperation between analysts, investigators, and operational officers. A crucial role in this process is played by the development of a culture of data-driven decision-making within law enforcement agencies.

Special attention should be paid to ensuring the transparency and accountability of analytical processes. The use of explainable artificial intelligence (explainable AI) methods can increase trust in analytical results and ensure their proper interpretation. This is particularly important in the context of using analytical data in criminal proceedings.

Furthermore, the development of international cooperation in the field of criminal analysis is advisable, as it enables the exchange of best practices, the adoption of advanced methodologies, and improved information sharing between law enforcement agencies of different countries.

Thus, the effective integration of criminal analysis into pre-trial investigations requires a comprehensive approach that includes improving the regulatory framework, developing information infrastructure, enhancing professional training, and fostering a culture of analytical thinking. The implementation of these measures will contribute to improving the effectiveness of crime control, ensuring the soundness of procedural decisions, and strengthening the rule of law overall.

5. Conclusions

The conducted study has demonstrated that criminal analysis constitutes one of the key instruments for enhancing the effectiveness of pre-trial investigations in cases involving serious crimes. Its significance lies in ensuring a systematic approach to the processing of criminogenic information, which enables not only the generalization of large volumes of data but also the identification of hidden patterns, the establishment of causal relationships, and the formulation of well-founded managerial decisions.

It has been established that criminal analysis performs a number of essential functions, including informational-analytical, predictive, coordination, and managerial functions, which collectively contribute to improving the effectiveness of operational and investigative activities. The application of modern methodological approaches, such as systemic, situational, and activity-based approaches, makes it possible to consider crime as a complex social phenomenon and ensures a comprehensive examination of its manifestations.

The study confirms that the combination of traditional analytical methods with modern information technologies, particularly big data analytics and machine learning, significantly expands the capabilities of criminal analysis. Such integration contributes to increasing the accuracy of crime forecasting, optimizing the process of evidence collection, and reducing the time required for procedural decision-making.

It is substantiated that criminal analysis has a direct impact on improving both the speed and quality of pre-trial investigations. Its application enables more effective identification of key elements of criminal activity, the establishment of links between actors, the determination of priority areas of investigation, and the rational allocation of law enforcement resources.

At the same time, the study has identified a number of challenges that hinder the effective integration of criminal analysis into pre-trial investigation practice. These include insufficient regulatory and legal support, fragmentation of information systems, a shortage of qualified personnel, organizational barriers, and a lack of trust in analytical results. The existence of these issues necessitates a comprehensive approach to their resolution.

The proposed practical recommendations are aimed at improving criminal analysis through the development of a clear regulatory framework, the establishment of integrated information and analytical systems, the enhancement of professional training, and the strengthening of effective interaction among structural units of law enforcement agencies. Particular attention is paid to the implementation of modern technologies, including explainable artificial intelligence, which contributes to increasing the transparency and reliability of analytical decision-making.

Thus, criminal analysis is an essential component of the modern system of pre-trial investigation, ensuring increased effectiveness in combating crime, particularly in the area of serious criminal offenses. Prospects for further research include the development of innovative models of criminal analysis, the improvement of crime forecasting methods, and the adaptation of international experience to national law enforcement contexts.

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FEATURES OF CIVIL SOCIETY INSTITUTIONS' PARTICIPATION IN COMBATING CORRUPTION IN UKRAINE DURING ARMED AGGRESSION

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Abstract

The article provides a comprehensive analysis of the role of civil society institutions in the formation and implementation of Ukraine's anti-corruption policy within the context of European integration. It argues that active citizen participation in decision-making processes is a key prerequisite for effective anti-corruption efforts, as civil society serves as an important mechanism of public oversight and democratic influence on state authorities. The study identifies major challenges associated with the high level of corruption in public administration, law enforcement, and judicial institutions, which significantly limits the effectiveness of public initiatives. Although legal frameworks provide for public participation in anti-corruption policy, existing instruments of civic control remain insufficient due to limited transparency of state institutions and the lack of real mechanisms for influencing decision-making. Particular attention is given to the impact of European integration processes on the development of Ukraine's anti-corruption system. The implementation of obligations under the EU–Ukraine Association Agreement and visa liberalisation framework necessitates enhanced public oversight and broader involvement of civil society in monitoring compliance with anti-corruption legislation. International support has contributed to strengthening the role of non-governmental organisations, which increasingly act as partners of the state in preventing and combating corruption. At the same time, the study emphasises the need to improve communication between government institutions and civil society, expand access to public information, and ensure effective feedback mechanisms. Overcoming public scepticism towards civil society initiatives requires their institutional strengthening and provision of real powers and resources. It is concluded that effective cooperation between civil society and the state is essential for promoting transparency, accountability, and the rule of law in Ukraine.

Keywords: corruption, anti-corruption policy, civil society, public control, non-governmental organizations,

1. Introduction

In the context of full-scale armed aggression and Ukraine's accelerated progress toward European Union membership, the effectiveness of anti-corruption policy has become a critical determinant of democratic resilience, institutional stability, and sustainable socio-economic development. Corruption continues to undermine the rule of law, weaken public trust in state institutions, distort resource allocation, and significantly constrain investment attractiveness and reform implementation (Dubas, 2023; Transparency International, 2023). In conditions of war and emergency governance, these risks are further intensified, as simplified administrative procedures, rapid redistribution of public resources, and reduced transparency create additional

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opportunities for abuse and discretionary decision-making (World Bank, 2020).

Despite the establishment of a comprehensive legal framework for preventing corruption, including the Law of Ukraine "On Prevention of Corruption" and the ratification of the United Nations Convention against Corruption, the practical effectiveness of anti-corruption mechanisms in Ukraine remains limited (Verkhovna Rada of Ukraine, 2014; United Nations, 2003). This limitation is обусловлено persistent systemic corruption within public administration, law enforcement agencies, and the judiciary, as well as insufficient development of effective mechanisms for public oversight and interaction between state institutions and civil society (Lysko & Riepkina, 2020; Utkina, 2024). Empirical studies and international experience demonstrate that anti-corruption reforms are unlikely to succeed without active civic engagement, institutionalized accountability mechanisms, and meaningful public participation in decision-making processes (Mungiu-Pippidi, 2015; OECD, 2018).

Within the framework of European integration, the role of civil society institutions acquires particular importance. The implementation of obligations under the EU–Ukraine Association Agreement and alignment with European governance standards require not only legislative harmonization but also the development of participatory governance models and effective public oversight mechanisms (European Commission, 2023; Khomei, 2021). Civil society organizations act as key agents of transparency, accountability, and anti-corruption monitoring, contributing to the identification of corruption risks, public awareness-raising, and advocacy for institutional reforms (Barmatova, 2012; Mesiuk, 2018). International evidence suggests that countries with strong and independent civil society sectors tend to demonstrate higher levels of control of corruption and better governance performance (World Bank, 2022; OECD, 2018).

At the same time, significant challenges persist in ensuring the effective participation of civil society in anti-corruption processes in Ukraine. Existing mechanisms of interaction between public authorities and civil society organizations remain fragmented, insufficiently institutionalized, and often formal in nature, limiting their real influence on policy formulation and implementation (Zaiats, 2019). Additional barriers include restricted access to public information, insufficient transparency of administrative procedures, and low levels of public trust in both state institutions and civic initiatives (Utkina, 2024; Transparency International, 2023). Moreover, the specific impact of wartime governance on the capacity of civil society to perform anti-corruption functions remains insufficiently explored in contemporary academic discourse.

Although the role of civil society in anti-corruption policy has been widely examined in both Ukrainian and international scholarship (Khomei, 2021; Lysko & Riepkina, 2020; Mungiu-Pippidi, 2015; OECD, 2018), there remains a lack of comprehensive research focusing on the institutional interaction between civil society organizations and public authorities in the context of wartime governance and European integration. In particular, insufficient attention has been paid to the development of effective mechanisms of civic influence on anti-corruption decision-making and to the structural strengthening of civil society as a full-fledged actor in public governance.

The purpose of this article is to provide a comprehensive analysis of the role of civil society institutions in Ukraine's anti-corruption policy under conditions of armed aggression and European integration, to identify key challenges and limitations of public participation, and to substantiate directions for improving institutional interaction between civil society organizations and public authorities.

The scientific contribution of this study lies in the systematization of the functional roles of civil society in anti-corruption processes, the conceptualization of their interaction with public institutions within a wartime governance framework, and the identification of European integration as a key driver of strengthening participatory anti-corruption mechanisms in Ukraine.

2. Literature Review

In contemporary scholarly discourse, the participation of civil society institutions in anti-corruption mechanisms is considered a central element of democratic governance and effective public policy. Corruption, as a systemic problem that undermines the rule of law and erodes public trust in state institutions, requires not only legal and administrative mechanisms but also broad public involvement as an active agent of oversight over government activities (della Porta & Mattoni, 2021). This assertion is supported by numerous theoretical and empirical studies that identify civil society as a critical factor in fostering transparent, accountable, and integrity-based governance.

Barmatova (2012) emphasizes that civil society is not a static entity, even in advanced democracies, but requires continuous societal efforts for its maintenance and renewal, particularly through public oversight, citizen participation in decision-making processes, and anti-corruption engagement (Barmatova, 2012, p. 28). This perspective aligns with international expert organizations, which regard public oversight as a vital tool for enhancing transparency and accountability in public institutions (Transparency International, 2015). Khomei's research further elaborates on this concept by focusing on specific forms of interaction between the state and non-state actors, including public consultations, participation in working groups, access to public information, civic expertise, and involvement in public hearings (Khomei, 2021, p. 44). Such an expanded understanding of civil society's role corresponds to conceptual frameworks that recognize citizen engagement in political decision-making as a politically charged activity, rather than merely a passive response to government actions.

The approach that conceptualizes civil society institutions as intermediaries between citizens and the state is also supported by international political science literature. Civil society acts as an "international agent" linking local activist impulses to the formation of national and international policies, while also generating knowledge, norms, and concrete policy alternatives (Myloserdna, 2019; della Porta & Mattoni, 2021). Despite the diversity of functions, the targeted role of civil society in combating corruption is often associated with its capacity to mobilize societal pressure on government structures, establish ethical standards, and demand transparency (Transparency International Knowledge Hub, 2025). It is important to note, however, that civil society participation is not automatically "beneficial" or problem-free; some scholars highlight the heterogeneous objectives of different groups, potential dependence on external donors, and internal fragmentation, which may limit their positive impact (Glasius et al., 2004; Edwards, 2011; Kopecký & Mudde, 2003).

From the perspective of international expert organizations, civil society participation in anti-corruption also implies specific mechanisms of cooperation. For instance, under the United Nations Convention against Corruption (UNCAC), civil society plays a crucial role in ensuring state accountability regarding the implementation of international standards; however, challenges remain in fully integrating civil society organizations into the processes of reviewing and enforcing these norms (UNCAC Civil Society Participation Report, 2015). This approach demonstrates that public participation not only enhances domestic oversight but also contributes to the global coordination of anti-corruption efforts.

Ukrainian scholars examine the role of civil society institutions within the framework of national legislation and anti-corruption reforms. Nalyvaiko (2022) investigates the role of non-governmental organizations in preventing corruption within public authorities, emphasizing their capacity to ensure vigilant public oversight and advocacy for anti-corruption norms (Nalyvaiko, 2022). Pidberezhnyk (2016) explores mechanisms of interaction between the public and state authorities in Ukraine, including whistleblowing systems and the functions of NGOs as instruments of influence on public policy (Pidberezhnyk, 2016). Kulyk (2025) highlights the importance of public

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anti-corruption monitoring in Ukraine, encompassing participation in NGO activities, investigative journalism, and individual citizen initiatives that strengthen oversight of integrity and transparency in governmental operations (Kulyk, 2025). In this context, civil society serves not only as a monitor but also as an active agent in shaping anti-corruption culture and norms.

Research on civil society's role in specific sectors reflects further thematic expansion. For example, Mykolaienko (2023) examines civil society institutions in preventing corruption in land relations, where local public oversight and anti-corruption expertise can enhance transparency in land governance (Mykolaienko, 2023). Ortinski (2020) emphasizes the interaction between civil society and mass media as a critical factor in combating corruption, as media shape public opinion, expose violations, and support societal pressure on authorities (Ortinski, 2020). This aligns with broader literature indicating that collaboration between civil society and media can strengthen transparency and accountability in state institutions.

Considering international research, it is also important to account for potential limitations. Villanueva (2019) argues that the effectiveness of civil society participation in countering political corruption depends not only on the activity of organizations themselves but also on the transparency of the legislative environment, the quality of public administration, and the capacity of state institutions to implement relevant norms (Villanueva, 2019). In light of these findings, the literature review clearly demonstrates that civil society is not merely an active component of anti-corruption policies but a complex social institution whose functions vary depending on political, legal, and cultural contexts.

3. Materials and Methods

This study employs a qualitative research design aimed at comprehensively analysing the role of civil society institutions in Ukraine's anti-corruption policy under conditions of armed aggression and European integration. Given the complex, interdisciplinary nature of the research subject, the study integrates legal, political, and institutional approaches to ensure a holistic understanding of the problem.

The methodological framework is based primarily on doctrinal legal analysis, which is used to examine the normative foundations of anti-corruption policy in Ukraine. This includes the analysis of national legislation, in particular the Law of Ukraine "On Prevention of Corruption", as well as relevant constitutional provisions and regulatory acts governing the participation of civil society in public administration. In addition, international legal instruments, such as the United Nations Convention against Corruption (UNCAC), are analysed to assess the alignment of Ukrainian anti-corruption mechanisms with global standards. A comparative method is applied to evaluate the correspondence between Ukrainian practices and European governance principles. This approach allows for the identification of institutional gaps and inconsistencies in the implementation of anti-corruption reforms, particularly in the context of Ukraine's obligations under the EU–Ukraine Association Agreement. The comparative perspective also facilitates the assessment of best practices in civil society engagement in anti-corruption processes.

The study further employs an institutional approach to analyse the interaction between civil society organizations and public authorities. This includes the examination of formal and informal mechanisms of cooperation, such as public consultations, participation in advisory bodies, civic monitoring, and anti-corruption expertise. The institutional analysis enables the identification of structural limitations that hinder effective civic participation and influence on decision-making processes. In order to strengthen the empirical grounding of the research, the study incorporates elements of secondary data analysis. Reports and analytical materials from international organizations, including the OECD, World Bank, and Transparency International, are

used to assess corruption levels, governance indicators, and the effectiveness of anti-corruption policies in Ukraine. These sources provide a comparative and evidence-based context for evaluating the role of civil society.

Furthermore, elements of a sector-delictual approach are applied to systematize corruption-related offenses based on their legal characteristics, including subject, object, subjective, and objective elements. This approach contributes to a more precise understanding of corruption as a legal and social phenomenon and allows for distinguishing corruption offenses from other forms of unlawful conduct.

The combination of these methods ensures the reliability and validity of the research findings, enabling a comprehensive assessment of the institutional role of civil society in anti-corruption policy and the identification of key directions for improving its effectiveness in the context of contemporary challenges.

4. Results and Discussion

The postulate of establishing a public authority system as representative and democratic with the prioritization of societal interests is a universal feature of democratic states and is grounded in the concept of integrating society into the mechanisms of public policy formation and implementation. In such a model, society functions not merely as an object of legal regulation but also as an active participant in politico-legal processes, capable of shaping and adjusting the activities of state institutions, thereby enhancing their accountability and effectiveness (Dupuy, Ron, & Prakash, 2016). In the context of contemporary transformations in Ukraine, this tendency is legislatively enshrined in Part 1 of Article 5 of the Constitution of Ukraine, which establishes that "the bearer of sovereignty and the only source of power in Ukraine is the people" (Constitution of Ukraine, 1996), thereby providing space for the practical exercise of public influence on state decision-making.

From the perspective of contemporary socio-legal scholarship, civil society is conceptualized as a system of institutions, non-state organizations, and associations of individuals that operate within a private-law framework to meet social needs, protect fundamental rights and freedoms, and facilitate the realization of public interests in the public sphere under the support of a rule-of-law state (Edwards, 2011; Glasius, Kaldor, & Anheier, 2004). This definition reflects not only the normative-legal basis for the status of civil society but also its functional role in maintaining democratic legitimacy, overseeing state authority, and preventing corrupt practices.

At the same time, the scholarly literature indicates the absence of a unified approach to defining key indicators of civil society development, which complicates the standardized application of these criteria in practical mechanisms influencing anti-corruption processes. Nevertheless, a set of factors has been identified that determine an adequate level of civil society development and its capacity to influence socio-political processes, specifically:

- Legislative guarantees of the legal status of actors in social relations, including the actual protection of rights and freedoms, the minimization of administrative barriers to the registration of public organizations, and the implementation of provisions for the participation of non-state actors in public governance (Salamon, Sokolowski, & List, 2003).
- Procedural mechanisms for realizing the legal subjectivity of civil society institutions, which include formalized procedures for participation in public dialogue and the existence of effective communication channels with government authorities (Fung, 2015).
- Accessible means for protecting the legal status of civil society institutions, aimed at preventing discrimination, unlawful interference, or inaction on the part of state authorities (Carothers & Brechenmacher, 2014).
- Transparency in public administration, ensured through open access to

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public information, broad participation of civil society in consultations, and public expert evaluations (Open Government Partnership, 2022).

These factors are widely recognized in international practice and emphasize that the mere existence of formal rights does not always guarantee their effective realization if mechanisms for access and protection are lacking (UNDP, 2019).

In the context of contemporary challenges, including the ongoing armed aggression against Ukraine, the participation of civil society institutions in anti-corruption efforts has become especially salient. Civil society's capacity to monitor state authorities, enhance transparency in governance, and safeguard social rights is increasingly recognized as a cornerstone of state stability and public trust in democratic institutions (Fagan & Sircar, 2019; Schedler, 1999). Scholars emphasize that in times of crisis, when formal institutional mechanisms are under strain, civil society organizations (CSOs) serve as critical watchdogs that fill governance gaps and exert societal pressure for accountability and ethical conduct (Carothers & Brechenmacher, 2014; Grzymala-Busse, 2015).

Although Ukraine's domestic legal framework formally acknowledges the role of civil society in implementing state anti-corruption policy and underscores the importance of public oversight of civil servants (Law of Ukraine on Prevention of Corruption, 2014), empirical research highlights significant practical limitations in the effectiveness of these mechanisms. Persistent corruption within the judiciary, law enforcement agencies, and broader public administration undermines the capacity of civil society to influence decision-making processes meaningfully (Kubicek, 2019; Kuzio, 2018). As a result, citizens are often deprived of genuine instruments for engagement in the fight against corruption, despite formal legal guarantees.

Ukraine's European integration aspirations and the increasing scrutiny by the European Commission regarding the implementation of anti-corruption norms within the framework of the Association Agreement and visa liberalization dialogue further underscore the urgent need to activate citizen participation in anti-corruption initiatives. The EU's emphasis on anti-corruption as a prerequisite for deepened integration reflects international norms that view civil society engagement as integral to democratic governance and rule-of-law consolidation (European Commission, 2024; Council of Europe, 2017). Strengthening the role of non-governmental organizations key institutions of civil society and ensuring their effective interaction with state authorities in policy development and oversight processes is widely regarded as essential for overcoming public skepticism toward anti-corruption measures and building sustainable reforms (Öztürk, 2019; Petrova, 2011).

To enhance the practical significance of the research findings, it is necessary to adopt a sector-delictual approach to the phenomenon of corruption, which involves systematizing offenses based on qualifying characteristics associated with corrupt conduct. This approach corresponds to international criminological standards that distinguish corruption as a complex, multi-faceted offense involving specific actors, intentions, and impacts on public administration (Rose-Ackerman & Palifka, 2016; Heidenheimer & Johnston, 2011). Subjective elements of a corruption offense encompass the actor and the mental state. The actor may be an individual vested with organizational, administrative, or managerial powers in state or municipal governance who receives public funding, as defined in the Law of Ukraine "On Prevention of Corruption" (2014). Equally, this category includes persons exercising public functions without formal employment status in state or local government such as auditors, notaries, private executors, appraisers, insolvency practitioners, independent intermediaries, arbitrators, and representatives of public organizations serving on selection or qualification commissions (Law of Ukraine on Prevention of Corruption, 2014; Myloserdna, 2019). The subjective aspect is characterized by deliberate intent to achieve an unlawful outcome the solicitation, acceptance, or provision of undue advantage.

The object of a corruption offense is the sphere of public relations targeted by the corrupt act. Central to this is the influence exerted on public and municipal administration, adherence to legality in the provision of public services, and the conduct of oversight functions. Corruption offenses are identified by the degree to which they infringe upon the lawful exercise of administrative and executive functions (Rose-Ackerman & Palifka, 2016; Transparency International, 2020). Understanding these distinctions is critical, as it allows researchers and legal practitioners to differentiate corruption from other non-corrupt offenses, thereby refining doctrinal concepts and enhancing the precision of law enforcement responses.

The objective side of corruption concerns the unlawful act or omission, its consequences, and the causal link between conduct and outcome. An act may formally comply with normative requirements yet produce an unlawful effect aimed at obtaining an undue benefit. Considering the motives and purposes of corrupt conduct is essential because the consequences such as the deterioration of governance mechanisms, erosion of public service legitimacy, and the need for retroactive review of administrative acts have far-reaching effects on institutional performance and public confidence (Johnston, 2014; Persson, Rothstein & Teorell, 2013).

Identifying these elements clearly distinguishes corruption offenses from other delictual behavior not qualifying as corruption, enabling practitioners to determine which theoretical constructs are effective for application and which require refinement for doctrinal clarity and enforcement. The development of a socially oriented state founded on democratic principles and the rule of law is unattainable without the active involvement of civil society institutions in public governance. Effective cooperation between state institutions and civil society organizations demands clearly defined objectives, scopes, and procedural frameworks for interaction within public administration (Fung, 2006; Schedler, 1999). However, existing national legislation in Ukraine provides these principles only fragmentarily, emphasizing isolated aspects of civil society participation in public processes. While the Constitution guarantees rights to association, freedom of expression, peaceful assembly, and access to information, it does not establish practical indicators for the functional status of civil society institutions (Constitution of Ukraine, 1996; Kuzio, 2018). Similarly, the Law of Ukraine "On Public Associations" elaborates on organizational rights including information dissemination, appeals to authorities, participation in regulatory policy development, peaceful assembly, and involvement in consultative bodies yet it remains general in scope and lacks concrete procedures for cooperation between public organizations and state institutions (Law of Ukraine on Public Associations, 2012; Pidhoretskyi, 2021).

Systematizing the functions of civil society in interaction with public institutions reveals five primary directions: the foundational function (creation of general and specialized associations and initiatives aimed at socially significant goals, including monitoring public authorities and evaluating integrity in public service candidacies); the consultative function (providing expert and analytical opinions on draft legislation, elaborating normative interpretations, and offering methodological support to public bodies on anti-corruption matters); the control and oversight function (continuous monitoring of governmental performance, detection of violations, and prompt response, including at grassroots levels, thereby enhancing transparency and institutional effectiveness); the informational function (collection, analysis, and systematization of data on public authority activities, assessment of development program implementation, and preparation of recommendations); and the coordinative function (facilitation of interaction among governmental tiers and between cross-sectoral and transnational structures to improve governance processes) (Fung, 2006; Grzymala-Busse, 2015; Petrova, 2011).

A crucial aspect of civil society's role is its contribution to preventing corruption. International standards notably Article 13 of the United Nations Convention against

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Corruption (UNCAC) and the principles set forth in the Istanbul Anti-Corruption Action Plan emphasize the necessity of active participation by public organizations in combating corruption through raising public awareness, monitoring activities of the public sector, and ensuring access to information (United Nations, 2004; Council of Europe, 2017). These norms reflect a global consensus that robust civil society engagement is vital to holistic anti-corruption strategies.

Consistent with Utkin's observations, in Ukrainian practice anti-corruption activities by civil society manifest in diverse forms. The foundational function is realized through the establishment of specialized associations engaged in monitoring corrupt conduct, consolidating information, and initiating responses. The consultative function encompasses drafting legislative proposals, providing clarifications, and offering methodological support to public bodies. The control and oversight function ensures ongoing monitoring and evaluation of public institutions, frequently in informal or non-institutionalized contexts, reducing the risk of formalistic oversight and enabling agile responses to corruption risks (Utkin, 2022).

Of particular significance is civil society's involvement in shaping the personnel composition of public authorities through permanent institutions that assess the integrity of candidates. Such involvement facilitates early prevention of corruption risks at the stage of personnel selection and ensures continuous oversight of administrative processes. Additionally, public organizations can delegate representatives to public structures to participate in ongoing monitoring and provide expert recommendations. Ultimately, civil society should not be viewed merely as a passive observer but as an active participant in the state's anti-corruption strategy. Its involvement ensures autonomous and effective oversight of governance processes, contributes to increased transparency and ethical conduct in public institutions, and alleviates pressures on state mechanisms, underscoring the essential need for integrating social institutions into the architecture of public administration (Fagan & Sircar, 2019; Persson et al., 2013).

5. Conclusion

This study demonstrates that civil society institutions are indispensable actors in Ukraine's anti-corruption policy, particularly under conditions of wartime governance and the country's accelerated European integration. Their role extends beyond passive oversight, encompassing monitoring, advocacy, public education, consultative participation, and coordination with governmental and international actors. Such multifaceted engagement strengthens institutional accountability, enhances transparency, and contributes to the prevention of corruption at both operational and systemic levels.

The analysis indicates that despite the presence of formal legal frameworks guaranteeing civil society participation, practical limitations—including fragmented institutional interaction, limited procedural mechanisms, and persistent corruption within public administration—significantly constrain their effectiveness. At the same time, empirical evidence shows that targeted civil society activities, including monitoring, expert evaluations, and participation in personnel integrity assessments, can prevent corruption risks and promote ethical standards in public governance.

Furthermore, Ukraine's European integration process amplifies the importance of civil society by creating incentives for alignment with European governance standards, enhancing opportunities for public oversight, and facilitating the adoption of international anti-corruption norms. The combination of domestic civic engagement and external accountability mechanisms contributes not only to institutional legitimacy but also to the consolidation of democratic governance under challenging socio-political conditions.

In conclusion, sustainable anti-corruption efforts in Ukraine require the active

integration of civil society into policymaking and oversight processes. Strengthening the institutional capacity of public organizations, formalizing mechanisms for interaction with state authorities, and fostering societal trust are essential steps toward establishing a resilient, transparent, and accountable system of governance. Civil society, therefore, should be recognized as a strategic partner in building an ethical, participatory, and sustainable model of public administration.

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