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Alicja Z. Nowak / Kinga Anna Gajda (eds.)

University and War in Ukraine


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Introduction

The war in Ukraine has not only affected the political, economic, social and cultural systems, but also education and schooling system. The full-scale assault of the Russian Federation on the Ukrainian territory on 24 February 2022 disrupted the teaching and research systems. It caused the mass emigration of students and academics as well as the suspension or change of the operations of the universities. It has thus affected not only the situation of universities in Ukraine, but also in foreign countries.

For the universities in the neighbouring countries, the period of war, has been characterised by efforts to support endangered Ukrainian universities, and a test of solidarity of the academic community. The academics became involved in helping the Ukrainian citizens, moreover, they launched scientific studies on the problems of the Ukrainian university community, which require monitoring, diagnosis and research. They started to organize meetings, debates, conferences hand in hand with the Ukrainian scientists, involving both those who left the country to undertake research and teaching work in foreign countries and those who remained in Ukraine and, under difficult circumstances (including the lack of electricity, a necessity to stay in shelters, to teach using distance learning), made an effort to develop and then implement remedial programs and mechanisms to continue scientific and educational activities in the environment struck by crisis. The war and the sanctions imposed on Russia, inter alia, the exclusion of Russian universities from research and teaching projects carried out by the universities, has opened space to rethink the status of studies on Ukraine. To date, they were linked integrally to the East European studies, and often subordinated to the studies on Russia. Only the outbreak of the full-scale Ukrainian-Russian military conflict exposed the inadequacy of this approach, which had previously seemed an inviolable structure.

A necessity to find answers to tough questions about the situation of the universities – their academic staff and students – during the war, the solidarity attitude of universities in foreign countries and the status of Ukrainian Studies led to the arrangement of a conference entitled “The University and the War.” It was no coincidence that it was held at the Jagiellonian University, a university that closely cooperates with the Ukrainian universities and is located in the territory of the country neighbouring Ukraine, which has provided the highest humanitarian support to war refugees. During the conference, scholars from the Polish and foreign universities, mainly Ukrainian citizens, took a closer look at

the above questions. The result of their work is this monograph written by multiple authors.

The monograph is divided into several thematic sections.

The section on *Ukrainian Studies and War* addresses the issue of the institutional and scientific functioning of studies that deal with the studies on Ukraine. These primarily concern the humanities, mainly historical and cultural approaches, both in Poland and in the international arena. The key issue here is the problem of the appropriation of the Ukrainian cultural legacy by Russia, and the unfavourable change to this approach, the lack of numerous strong, opinion-forming institutes carrying out the Ukrainian studies (research and education) independent of the Russian studies.

Part Two of the monograph titled *University in Ukraine and War: Situation, Problems, Solutions* attempts to determine the state of universities in the first year after the outbreak of full-scale war. Attention is focused on the problems of universities in Ukraine: russified in the occupied territories, demolished, relocated, and the challenges this poses to the authorities of the hardest-hit research and educational units in the areas involved for a long time in the continuous combat operations, and the issues of legal education adapted to the new war situation in Ukraine.

Part Three titled *University and War: Mission, Counteraction and Support* deals with the mission of the university in crisis and the phenomenon of academic emigration, mainly practical actions taken to support refugees (fund raising, volunteerism), aid programs (including scholarships, grants, etc.) that were implemented both in Ukraine and around the world bearing in mind, inter alia, the requirements of the academic community. The topic of student involvement in the reconstruction of the education system and in artistic forms of protest against the war and the aggressor is also raised.

The monograph is closed by Part Four titled *About the War: Voice from University* in which researchers from Ukraine and Poland address the issue of fascist and anti-humanitarian ideology represented by Russia and the relationship between social roles in crisis.

In the monograph, the authors raise a myriad of topics, signalling the most significant issues of the academic life that emerged or intensified in the first year after the war outbreak. All topics require further in-depth research.

The value of the volume is that the authors of most of the articles are specialists and theorists of the subject, at the same time observers and witnesses of the events and processes described, often actively involved in them. Therefore, in the monograph many articles represent a preliminary analysis of valuable, because newly acquired sources, which will certainly serve subsequent researchers,

representatives of the social sciences and humanities, representatives of numerous research disciplines, including political scientists, cultural scientists, anthropologists and educators.

The idea of co-authoring the monograph, as well as the conference preceding it, emerged somewhat naturally from the very mission of the university, whose community is not indifferent to contemporary social challenges. The researchers want to participate in the development of a new and better world jointly with their partners from other universities. They want to support researchers from Ukraine executing jointly projects, but also to serve students and social partners with their knowledge, enabling them to understand processes, which are underway. Therefore, they are consolidating forces in an effort to reach the common consciousness with, inter alia, truths usually jammed effectively by propaganda, and seizing an opportunity that its power has paradoxically weakened with Russia's decision to attack Ukraine on 24 February 2022.

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Roman Blahuta, Olha Balynska and Iryna Hloviuk

Legal Education in Ukraine and War

Abstract

This study is devoted to the analysis and evaluation of the functioning of legal education during the armed conflict in Ukraine, including the conditions of the large-scale armed invasion of the Russian Federation⁸² on the territory of Ukraine and the terror of the Russian Federation against the civilian population of Ukraine. The authors single out key factors that reflect the social purpose of legal education in these conditions and reveal their content (in particular, considering the positive experience of Lviv State University of Internal Affairs). In the context of reforming legal education, the authors additionally proved the impossibility of positioning the investigator and inquirer as persons who do not need a legal education.

The question of the use of distance learning in the conditions of pandemic and security challenges is considered in detail, positive and negative signs of distance learning are highlighted.

The dialectical, hermeneutic, dogmatic, functional, and systemic methods are used in the research.

Keywords: war, legal education, law, standard of higher education, institutions of higher education with specific conditions of study, educational activity, scientific activity, legal educational activity, reform of legal education, investigator, inquirer, distance learning.

Introduction

In the conditions of the brutal armed aggression of the Russian Federation against Ukraine, which has been taking place since 2014 violating the Charter of the United Nations, the development of Ukrainian education (despite the assessment of educational losses), including legal education, is important. The importance of legal education is emphasized by the fact that it is the only type of education mentioned in the Constitution of Ukraine: "The position of a judge can be held by a citizen of Ukraine, not younger than thirty and not older than sixty-five, who has a higher legal education..." (Art. 127).

It should be noted that the normative regulation of higher education in Ukraine, including legal education, is primarily based on the provisions of the Law of Ukraine "On Higher Education" dated July 1, 2014, No. 1556-VII

82. Editor's note: spelling the Russian Federation in lower case at authors request.

(hereinafter – the Law). Higher education, according to Art. 1 of the Law, is a set of systematized knowledge, abilities and practical skills, ways of thinking, professional, worldview and civic qualities, moral and ethical values, other competencies acquired in a higher education institution (scientific institution) in the relevant field of knowledge according to a certain qualification at the higher education levels, which in terms of complexity are higher than the level of full general secondary education. The levels of higher education in Ukraine are as follows: primary level (short cycle); first (bachelor's) level; second (master's) level; the third (educational-scientific/educational-creative) level. Accordingly, the degrees of higher education are as follows: junior bachelor; bachelor; master's degree; Doctor of Philosophy / Doctor of Arts. All levels and degrees, except Doctor of Arts, also apply to legal education.

In terms of the field of training of applicants, it should be noted that normatively, at the level of the resolution of the Cabinet of Ministers of Ukraine "On approval of the list of fields of knowledge and specialties for which training of applicants for higher education is carried out" dated April 29, 2015, No. 266, the relevant field of knowledge – 08 Law, specialty – 081 Law (international classification – 0421 Law).

In the system of the Ministry of Internal Affairs of Ukraine as the central body of the executive power, there are institutions of higher education with specific conditions of study. Their functioning is also provided for by Art. 13 of the Law of Ukraine "On the National Police" dated July 2, 2015, No. 580-VIII, according to which research institutions and security institutions, professional (vocational and technical) education institutions with specific conditions of study can be formed in the police system. The definition of such an institution is also in the Law of Ukraine "On Higher Education": it is a state-owned institution of higher education that, at certain levels of higher education, trains cadets (students), adjuncts for further service in middle and senior positions of the National police of Ukraine, the senior staff in order to meet the needs of the Ministry of Internal Affairs of Ukraine, the central executive body that implements the state policy in the field of civil protection, the central executive body that implements the state policy in the field of execution of criminal punishments.

In the system of the Ministry of Internal Affairs of Ukraine, such institutions are: the National Academy of Internal Affairs; Kharkiv National University of Internal Affairs; Dnipropetrovsk State University of Internal Affairs; Donetsk State University of Internal Affairs; Lviv State University of Internal Affairs; Odessa State University of Internal Affairs; the National Academy of the State Border Guard Service of Ukraine named after B. Khmelnytskyi; the National Academy of the National Guard of Ukraine; National University of Civil Defence of

Ukraine; Lviv State University of Life Safety; Institute of Public Administration and Research in Civil Protection. Training in specialty 081 Law is carried out by the National Academy of Internal Affairs; Kharkiv National University of Internal Affairs; Dnipropetrovsk State University of Internal Affairs; Donetsk State University of Internal Affairs; Lviv State University of Internal Affairs; Odessa State University of Internal Affairs; the National Academy of the State Border Guard Service of Ukraine named after B. Khmelnytskyi; the National Academy of the National Guard of Ukraine.

Despite the fact that the main requirements for educational activity at the level of sub-legal normative acts are established by the Ministry of Education and Science of Ukraine, the Ministry of Internal Affairs of Ukraine is authorized by the Law of Ukraine "On Higher Education" to establish special requirements for higher education institutions with specific conditions of study regarding: (1) institutions management and organization of the educational process in them; (2) activities and powers of management bodies and public self-government in institutions; (3) candidates for the positions of heads (deputy heads) of institutions, their structural subdivisions; (4) appointment and dismissal from the positions of heads (deputy heads) of institutions, their structural subdivisions; (5) additional competences and program results of training under the relevant educational programs, defined by the standards of higher education; the procedure for developing and approving educational programs in institutions; (6) formation of a list of specializations for the training of applicants for specialized education in institutions; (7) candidates for the positions of pedagogical, scientific-pedagogical and scientific workers and competitive selection for the positions of pedagogical, scientific-pedagogical and scientific workers in institutions; (8) implementation of the rights and obligations of pedagogical, scientific-pedagogical and scientific workers and persons studying in institutions; (9) expulsion, interruption of studies, renewal and transfer of cadets, trainees, adjuncts (postgraduate students), doctoral students studying in institutions; (10) training of scientific-pedagogical and scientific personnel in adjunct (postgraduate) and doctoral programs in institutions; (11) standards for the number of cadets, trainees, adjuncts (post-graduate students) studying in institutions, for one position of a scientific and pedagogical worker; (12) the order of preparation of higher education applicants for the degree of Doctor of Philosophy in institutions; (13) formation of individual study plans and individual educational trajectories of applicants for higher education; (14) practical training of persons obtaining higher education in institutions.

At the same time, normative legal acts regarding implementation of the rights and obligations of pedagogical, scientific-pedagogical and scientific workers

and persons studying in institutions; expulsion, interruption of studies, renewal and transfer of cadets, trainees, adjuncts (post-graduate students), doctoral students studying in institutions; training of scientific-pedagogical and scientific personnel in adjunct (postgraduate) and doctoral programs in institutions; standards for the number of cadets, trainees, adjuncts (postgraduate students) studying in institutions, for one position of a scientific and pedagogical worker; the order of preparation of higher education applicants for the degree of Doctor of Philosophy in institutions; formation of individual study plans and individual educational trajectories of higher education applicants; practical training of persons obtaining higher education in institutions, are approved in agreement with the Ministry of Education and Science of Ukraine.

Ukraine now has a standard of higher education in specialty 081 Law for the first (bachelor's) level of higher education, for the second (master's) level of higher education, which are common to absolutely all institutions of higher education that prepare applicants in this specialty, including institutions of higher education with specific conditions of study.

The Social Purpose of Legal Education and Science in the Conditions of War

The war of the Russian Federation against Ukraine began in 2014, not in 2022, as it is sometimes mistakenly stated. Even the Report of the Office of the Prosecutor of the International Criminal Court assumes that the armed conflict (this very term is characteristic of international humanitarian law, although the Convention for the Protection of Human Rights and Fundamental Freedoms also has the term "war") in the part of Crimea began no later than 26 February 2014, and the international armed conflict in the part of military operations in the eastern part of Ukraine takes place no later than July 14, 2014, simultaneously with the existence of a non-international armed conflict (Report on Preliminary Examination Activities 2016). Unfortunately, higher education institutions of the Ministry of Internal Affairs of Ukraine have experience of forced displacement due to hostilities, including repeated displacement, two of them since 2014, two (partially) since 2022.

In the conditions that arose as a result of and during the long-term war of the Russian Federation against Ukraine, the vector of the mission of the Universities, including the Universities of the Ministry of Internal Affairs of Ukraine in relation to their own educational and scientific activity, as well as in the context of the social mission of universities in general, has changed significantly (both in 2014 and 2022 – due to the beginning of large-scale invasion).

The transformation of the educational component relates to several factors. They include consideration of the importance of the law for bringing to justice persons who commit international crimes of aggression, genocide, war crimes, and crimes against humanity. Applicants for higher education will have to study these crimes in the conditions of war and reveal them during the post-war reconstruction of Ukraine. In this regard, it is extremely important to gain qualified knowledge and skills regarding qualification of international crimes according to the norms of international criminal law; interpretation and application of international humanitarian law; investigation of international crimes; interactions with international courts and tribunals on prosecution for international crimes; cooperation with other states on issues of prosecution for international crimes; interaction with various international institutions on issues of prosecution for international crimes; documentation of international crimes; use of intelligence from open sources; interaction with the fixers of international crimes, first of all – relevant non-governmental organizations; systematization and use of data from open data collection portals; drawing up procedural documents in compliance with the norms of international humanitarian and international criminal law; protection of victims from international crimes and taking into account the vulnerability of such victims; development and application of compensation mechanisms for victims, businesses and the state; application of the sanctions mechanism; application of mechanisms of transitive justice.

In addition, training is related to knowledge and skills related to prosecution for crimes against the foundations of national security of Ukraine, terrorist crimes, criminal offenses against peace, security of humanity and international legal order, taking into account the fact that after de-occupation facts are revealed not only regarding international crimes, but also crimes against the foundations of Ukraine's national security (collaborative activity, treason, aiding the aggressor state). Therefore, knowledge and skills regarding the correct qualification (and here there are certain difficulties due to the wording of the Criminal Code of Ukraine) and the detection and investigation of these acts are also one of the most important areas of training of applicants. And, although such acts are mostly not subject to investigation by the investigative units of the National Police of Ukraine, in practice, they are investigated by the investigators of the National Police of Ukraine, using the opportunities provided by the Criminal Procedure Code of Ukraine. In addition, Lviv State University of Internal Affairs has a structural unit – the Institute of Law, whose activity does not concern the training of specialists for units of the National Police of Ukraine, and graduates have the opportunity to work in any field, taking into account the qualification requirements.

The social purpose of education in this case is to prepare such lawyers who will be able to work in uncertain conditions that rapidly change, adapt their knowledge and skills to new legal norms, new social conditions, and learn throughout life. And this applies, not only to professional training, but also to the skills of critical thinking, active listening, dialogue, gender-sensitive communication, zero tolerance for corruption, violence, bullying and mobbing.

It should be noted that Lviv State University of Internal Affairs carries out educational activities in full compliance with the policy of our state regarding the punishment of the Russian Federation and its citizens and mercenaries for all international crimes committed on the territory of Ukraine since 2014, and fulfills the most important social mission of the entire Ukrainian legal community – holds the legal front in bringing to justice all those who have committed international crimes and ensuring compensation for the harm they have caused.

Equally important, although less often mentioned, is the activity of ensuring the functioning of the criminal justice system in conditions of large-scale armed aggression. This mission is implemented in various forms, and the three main ones for Lviv State University of Internal Affairs are educational, scientific, and legal educational. Under the competence of Lviv State University of Internal Affairs, trainings and webinars are held for applicants for higher education and police officers on the investigation of crimes in the conditions of martial law and war crimes; these events are provided by international experts from foreign partners and practical employees of the National Police.

The scientific activity of the scientific and pedagogical staff of Lviv State University of Internal Affairs is also related to responding to modern challenges regarding the correct interpretation and application of legislation in the conditions of martial law; considering the specifics of the activity, the greatest attention is paid to criminal law and process. The scientific works of the scientists relate to issues of international humanitarian law, international criminal law, cooperation with the International Criminal Court, prospects for compensation by Russia for the crimes committed on the territory of Ukraine, police activities in the conditions of martial law, countering collaborative activities, criminal liability for crimes committed in the conditions of martial law, qualification of criminal offenses against peace, human security and international legal order, exemption from serving a sentence in connection with the decision by an authorized body to hand over a convicted person for exchange as a prisoner of war, anti-corruption proceedings during martial law, the human right to judicial protection in the conditions of martial law, criminal proceedings in the conditions of martial law, combating organized crime as a tool used by the special services of the aggressor country during war, etc.

It should also be noted the scientific and practical volunteer project of scientists in the field of criminal procedure regarding the preparation of a scientific and practical commentary to section IX-1 of the Criminal Procedure Code of Ukraine “Special regime of pre-trial investigation, trial in martial law conditions”, which was developed by employees of four institutions of higher education of the Ministry of Internal Affairs of Ukraine and two employees of higher education institutions of the Ministry of Education and Science of Ukraine (Hloviuk et al. 2022), placed in free access in repositories and other electronic resources for free familiarization and use in practical activities. This commentary is constantly updated due to changes in legislation, so the latest edition is now the fourth. Employees of higher education institutions of the Ministry of Internal Affairs of Ukraine also took part in the preparation of an extremely important commentary on novels of criminal law during the martial law period (Vozniuk et al. 2022), which affected many institutions of criminal law, and firstly – crimes against the foundations of national security of Ukraine. This edition is extremely important for practice, considering the novel nature of the norms and their wording, which cause difficulties in interpretation and application.

Lviv State University of Internal Affairs, independently and in cooperation with other institutions, held several international and regional scientific and practical events (conferences, forums, round tables, seminars), where issues of implementation of the law enforcement function of the state in the conditions of martial law were considered. Among them, the following should be highlighted: the scientific seminar “Constitutional rights and freedoms of a person and a citizen in the conditions of martial law”; Lviv Criminal Justice Forum “Ukrainian criminal justice in the conditions of war”; all-Ukrainian conference “Criminal-legal, criminological, criminal procedural and criminalistic problems of combating crime in the conditions of martial law”; round table “Criminal justice in Ukraine: realities and prospects”; International scientific and practical conference “Theory and practice of combating crime in modern conditions”; seminar “Procedural and criminalistic support of pre-trial investigation”; round table “War in Ukraine: conclusions drawn and unlearned lessons” (the full list of events is much larger).

Legal educational activity is carried out at Lviv State University of Internal Affairs through the organization of the Legal Clinic and proactively by the University’s scientific and pedagogical staff. At the Law Clinic of Lviv State University of Internal Affairs, consultants – graduates in the specialty of law – provide free legal assistance to persons who need it to socially vulnerable sections of the population. It should be noted that legal assistance is also provided to military personnel, participants of the anti-terrorist operation and their relatives, forced

migrants. Another direction of the clinic's work is the holding of legal educational events: lectures, trainings, etc. In addition, the scientific and pedagogical staff of Lviv State University of Internal Affairs also conducts more specialized events, which became especially numerous after February 24, 2022. In particular, for a wide audience on the platform of the Higher School of Advocacy, the professor of the University held lectures on the protection of the right to life in the conditions of martial law and on criminal proceedings in the conditions of martial law, where the audience of listeners was more than 500 people in one event, as well as for judges at the invitation of the department of the National School of Judges.

"Traditional" topics related to combating human trafficking, domestic and gender-based violence remain relevant and have gained new meaning. Unfortunately, the war has become a challenge for combating human trafficking, because due to security factors, citizens, among whom the vast majority are women and children, are forced to move not only within the territory of Ukraine, but also abroad, while often not knowing the language of the host countries and their peculiarities of obtaining the status of temporary protection. A risk factor is the settlement of strangers in residential premises abroad. This caused the need for additional interaction with the authorities, civil society in relation to educational work, so that Ukrainian women and children do not become victims of human trafficking. Since September 2021, a research laboratory for the study of the problems of combating human trafficking and illegal migration has been operating in Lviv State University of Internal Affairs, the anti-trafficking chatbot "Stay Safe" has been developed and repeatedly presented, the international conference "State policy on combating human trafficking and illegal migration in conditions of war or state of emergency" has been held, considering the challenges of martial law in 2022. Moreover, the representatives of Lviv State University of Internal Affairs were included in the working group for the development of informational publications "A note on how not to fall into a situation of human trafficking during evacuation and crossing the border", "A note on ensuring human rights, in particular of the child, in the conditions of martial law"⁸³.

The University pays great attention to countering gender-based and domestic violence. In the conditions of war, this problem did not disappear, but only intensified, considering the fact that the victims are "torn" from their usual environment, far from relatives and close people who could identify the violence and

83 <https://www.lvduvs.edu.ua/uk/karta-dokumentiv/category/303-reports.html?download=2994:zvity-rektora-lvduvs-2021-2022-nr> (05 March 2023).

provide help, may be in other places, including abroad or in a situation where they do not have the opportunity to apply for such assistance; many Ukrainian citizens have lost their jobs and other sources of livelihood, which leads to economic domestic violence. In addition, due to the need to fight back the aggressor's army, citizens of Ukraine carry firearms. And these factors only increase the vulnerability of victims and the risks of violence.

On the basis of the University, trainings⁸⁴ for police officers who respond to cases of domestic and gender-based violence, as well as scientific and practical events to combat such violence are held (including the scientific forum "Human rights and gender equality during military actions on the territory of Ukraine" in 2022, taking into account the realities of martial law). For the needs of education and practice, the first training manual in Ukraine "Qualification and basics of domestic violence investigation methodology" (Romantsova et al. 2022) was prepared.

Demographic Characteristics of the Admission Campaign: The Impact of the War. The Issue of Reforming Legal Education: The Challenges of War

If we compare the data of Lviv State University of Internal Affairs for the years of 2021 and 2022 based on the results of the admission campaign, the dynamics of an increase in the number of registered electronic applications of applicants and the ratio of the number of personal files of applicants to the number of enrolled applicants can be observed. Thus, compared to 2021, the number of applicants enrolled in studies at the expense of individuals and/or legal entities increased by 16%. 392 applicants are enrolled in full-time state-ordered education 100 applicants are enrolled to obtain a bachelor's degree at Faculty No. 1 (training for investigative units) in the specialty "Law", and 15 applicants are enrolled in a master's degree in the specialty "Law"⁸⁵.

The percentage of applicants enrolled to obtain a bachelor's degree by regions is as follows: Lviv (57%), Volyn (8.5%), Khmelnytskyi (7.1%), Zakarpattia (6%), Rivne (5%), Ivano-Frankivsk (4%), Ternopil (3.2%), Chernivtsi (2.5%), Vinnytsia (1.6%), Cherkasy (1.1%), Dnipropetrovsk (0.8%), Kherson (0.5%), Donetsk,

84 <https://www.lvduvs.edu.ua/uk/new-ua/u-lvduvs-startuvav-treninh-vid-kmyes-z-proty-dii-domashnomu-ta-henderno-zumovlenomu-nasylstvu.html> (05 March 2023).

85 <https://www.lvduvs.edu.ua/uk/karta-dokumentiv/category/303-reports.html?download=2994:zvity-rektora-lvduvs-2021-2022-nr> (05 March 2023).

Zhytomyr, Zaporizhzhia, Kyiv, Kirovohrad, Luhansk, Mykolayiv, Odesa, Chernihiv (0.3% each), other regions are not represented. The percentage of people enrolled to obtain a master's degree by regions is as follows: Lviv (63%), Rivne (11.1%), Volyn and Chernivtsi (7.4% each), Zakarpattia, Ternopil and Khmelnytskyi (3.7% each), other regions are not represented⁸⁶.

For comparison, in 2021 the statistics for bachelors were as follows by regions: Lviv (66.7%), Volyn (10%), Zakarpattia, Chernivtsi and Kyiv (6.7% each), Khmelnytskyi (3.3%), other regions are not represented. Percentage of applicants enrolled to obtain a master's degree by regions: Lviv (42.5%), Volyn and Khmelnytskyi (15% each), Zakarpattia (10%), Chernivtsi (7.5%), Ivano-Frankivsk, Kyiv, Ternopil and Chernihiv (2.5% each), other regions are not represented⁸⁷.

As can be seen, in 2022, Rivne (5%), Ivano-Frankivsk (4%), Ternopil (3.2%), Vinnytsia (1.6%), Cherkasy (1.1%), Dnipropetrovsk (0.8%), Kherson (0.5%), Donetsk, Zhytomyr, Zaporizhzhya, Kyiv, Kirovohrad, Luhansk, Mykolayiv, Odesa, Chernihiv (0.3% each) regions were additionally represented in 2022, from which there were no entrants to the bachelor's degree before. This seems to be connected, in addition to quality education at Lviv State University of Internal Affairs, to a safe environment in Lviv region.

In terms of military challenges, attention should be paid to one more problem, which has been actively discussed in the legal community for several years in a row and concerns the need to reform legal education. The problem, which, according to the authors of the Concept for the Development of Legal Education (2021), needs to be solved, is the inconsistency of the content of legal education and the quality of training in law schools with the modern requirements of the labor market and the challenges facing a modern democratic society; global development trends and tasks of professional activity of lawyers in various fields.

Manifestations of the problem, according to the Concept, are as follows: insufficient level of theoretical and applied knowledge and practical skills in a large part of graduates of law schools of Ukraine; lack of attention to the formation in applicants for legal education of a holistic worldview of a lawyer with an understanding of the social mission, values and importance of the legal profession in order to establish the rule of law in a modern democratic society; the system of formation of a state order for the training of lawyers is opaque, without

86 <https://www.lvduvs.edu.ua/uk/karta-dokumentiv/category/303-reports.html?download=2994:zvut-rektora-lvduvs-2021-2022-nr> (05 March 2023).

87 <https://www.lvduvs.edu.ua/uk/karta-dokumentiv/category/303-reports.html?download=2319:zvut-rektora-za-2021-rik> (05 March 2023).

proper substantiation criteria; lack of an effective internal system for ensuring the quality of education in institutions of higher education; lack of an effective system of external evaluation of the quality of educational programs and proper transparency and availability of information about the activities of law schools; insufficient quality of scientific research in the field of law and their low efficiency for the formation of quality educational programs; an unjustifiably large number of institutions of higher education training lawyers. We should note that the need for continuous quality improvement of the educational process and educational results should be fully supported, but this goal cannot be achieved by administrative influence prohibiting the existence of a law school, guided only by its departmental affiliation.

The Concept is based on a 2018 study (Mudruk 2018), which is outdated as of 2023. Taking into account the fact that this document was not the first in the aspect of reformulation (Project 2020), and the stated positions found both support (Shemelynets 2021; Hryshyna 2020), and broad and well-founded criticism⁸⁸ (Babanin and Savenko 2021; Harkusha 2021; Abroskin and Albul 2021; Halaur 2017; Pavlova 2020; Nikitina et al. 2020), let's concentrate on only one of the key issues, which are related to the ability of law schools of higher education institutions with specific conditions of study, namely, the question of whether the investigator (inquirer) must have a legal education, that is, undergo training in the specialty 081 Law. Nowadays, opinions are often heard, sometimes even in categorical forms, that the investigator is not a lawyer, because the investigator and the inquirer collect facts, and the prosecutor performs procedural activities in the pre-trial investigation, therefore the investigator and the inquirer do not need a legal education.

As it seems, it is possible to refute the position of the alleged "superfluous nature" of legal education for the investigator (inquirer) at the level of three groups of arguments: normative, law enforcement, educational (standard of education).

1. Normative level. The profession of an investigator and inquirer is indicated in the Classifier of professions⁸⁹, by codes – there are professionals in the field of law enforcement, other professionals in the field of jurisprudence, that

88 <https://zib.com.ua/ua/146684.html>; navchaty-yurystiv-vyshi-u-systemi-mvs-ta-sbu-gazeta.com/golovna/reformuvannya-chi-ruynuvannya-yuridichnoyi-osviti-v-ukrayini.html; <https://dp.npu.gov.ua/news/pidgotovka-slidchikh-ta-operativnikov-v-umovakh-reformuvannya-vishchoi-yuridichnoi-osviti-implementatsiya-chi-imitatsiya> (05 March 2023).

89 <https://zakon.rada.gov.ua/rada/show/va327609-10#Text> (05 March 2023).

is, the professional tasks for training a lawyer consist in increasing the existing fund (volume) of knowledge, applying certain concepts, theories and methods for solving certain problems or in a systematized exposition of the relevant disciplines in full. This section includes professions that require the employee (taking into account the scope and complexity of certain professional tasks and responsibilities) to qualify for: 1) a diploma of complete higher education corresponding to the level of a specialist, master's degree; 2) a diploma awarding a scientific degree: candidate of sciences; doctor of sciences; 3) a certificate of approval of the scientific title: senior researcher; associate professor; the professor. By the way, code 2429 includes both a notary and a legal advisor. That is, the approach of the classifier is such that the investigator is a professional in the field of jurisprudence.

According to the Criminal Procedural Code of Ukraine dated April 13, 2012, No. 4651-VI, pre-trial investigation is carried out by: (1) investigative units of the National Police, security agencies, bodies of the State Bureau of Investigation; (2) detective unit, internal control unit of the National Anti-Corruption Bureau of Ukraine; (3) units of detectives of the Bureau of Economic Security of Ukraine. Investigations are carried out by investigation units or authorized persons of other units: bodies of the National Police; security agencies; bodies of the Bureau of Economic Security of Ukraine; bodies of the State Bureau of Investigation; National Anti-Corruption Bureau of Ukraine. The powers of the investigator and inquirer are regulated in detail, although not exhaustively, in Articles 40 and 40-1 of the Criminal Procedure Code, respectively, and among them are, in particular, the following: for the investigator – to conduct investigative (search) actions and covert investigative (search) actions; with the consent of the prosecutor, apply to the investigating judge with requests to take measures to ensure criminal proceedings, conduct investigative (search) actions and covert investigative (search) actions; notify the person of suspicion in agreement with the prosecutor; based on the results of the investigation, draw up an indictment, a request for the application of coercive measures of a medical or educational nature and submit them to the prosecutor for approval; make procedural decisions; for the inquirer – to conduct an inspection of the scene of the incident, search the detained person, interview persons, seize tools and means of committing the offense, things and documents that are the direct object of a criminal offense or discovered during detention, as well as conduct investigative (search) actions and covert investigative (search) actions; with the consent of the prosecutor, apply to the investigating judge with requests to take measures to ensure criminal proceedings, conduct investigative (search) actions, covert investigative (search) actions; in agreement with the prosecutor notify a person of suspicion

of committing a criminal offense; based on the results of the investigation, draw up an indictment, a request for the application of coercive measures of a medical or educational nature and submit them to the prosecutor for approval; make procedural decisions. Even this non-exhaustive list of powers is enough to understand that it is impossible to implement them without a legal education.

Moreover, in the conditions of an armed conflict, exercising these powers in the aspect of international crimes, investigators must know and have the skills to search for and interpret the norms of international humanitarian law and international criminal law, which is impossible to do without a legal education.

2. Law enforcement level. Investigation is a complex legal enforcement activity. The main normative acts that regulate its activities are the Criminal Procedure Code of Ukraine and the Criminal Code of Ukraine. Both documents are complex in the technique of setting out the norms, they are constantly amended and supplemented, and there is no unity in the interpretation of individual norms of these codes either in doctrine or in practice, especially now it concerns "war" and "military" amendments and supplements. Currently, a draft of the new Criminal Code of Ukraine is being prepared, and its provisions are also quite complex. Those who practice in the field of criminal proceedings well understand that it is impossible to understand the current dynamic criminal and criminal procedural legislation with its degree of complexity without a legal education. It is impossible to qualify an act, to determine whether there are signs of a criminal offense at all, to distinguish it from other torts or their absence, without having such an education. Under the current model of pre-trial investigation, the investigator and the inquirer are participants in the criminal proceedings on the part of the prosecution, who, although not completely procedurally independent (taking into account the need to agree on a large number of decisions with the prosecutor, and the extensive powers of the investigating judge in the pre-trial investigation), bear responsibility for the legality and effectiveness of the investigation and perform the main part of the investigative work. The investigator and inquirer in the pre-trial investigation do not just "collect facts", as is sometimes believed, but carry out complex law enforcement activities related to the collection and evaluation of evidence (and this is expressly stated in Article 94 of the Criminal Procedure Code of Ukraine: investigator, prosecutor, investigating judge, the court, according to their internal conviction, which is based on a comprehensive, complete and impartial study of all the circumstances of the criminal proceedings, guided by the law, evaluate each piece of evidence from the point of view of appropriateness, admissibility, credibility, and the totality of the collected evidence – from the point of view of sufficiency and interrelationship for making

a corresponding procedural decision). The provisions of the Criminal Procedure Code of Ukraine clearly reflect this, and not only in the cited Article 94.

Moreover, considering the systemic connections between the branches of law and the complexity of modern legal relations, the blanket character of the norms of the Criminal Code is demonstrated – the investigator and inquirer must have systemic knowledge not only of criminal law and process, otherwise it will be impossible to correctly apply the norms of these codes. Here are some examples of dispositions: Article 209 of the Criminal Code of Ukraine: acquisition, possession, use, disposal of property, in relation to which the actual circumstances indicate its acquisition by criminal means, including the implementation of a financial transaction, the commission of a transaction with such property, or its transfer, change of form (transformation) of such property, or committing actions aimed at concealing, disguising the origin of such property or possession of it, rights to such property, sources of its origin, location, if these actions were committed by a person who knew or should have known that such property was directly or indirectly, fully or partially obtained by criminal means; Article 197–1: arbitrary occupation of a land plot, which caused significant damage to its legal owner; Article 182: illegal collection, storage, use, destruction, distribution of confidential information about a person or illegal change of such information, except for cases provided for by other articles of the Code; Article 371: knowingly illegal detention or illegal pretext; Article 374: denial or failure to provide a defense attorney on time, as well as other gross violation of the right of the suspect, the accused to defense, committed by the investigator, inquirer, prosecutor or judge.

Accordingly, Natalya Pavlova rightly states that the investigator makes a number of procedural decisions that require expertise. First, this concerns the decision to initiate criminal proceedings and determine the correct qualification. It should be borne in mind that the applicant may perceive a civil tort as a crime, that is, be mistaken about the legal nature of certain actions or provide false or biased information about the event. In such circumstances, the task of the investigator is not to make a mistake and, evaluating the testimony of the victim, they should be carefully compared with other evidence, which must be admissible and appropriate, which will provide an opportunity to confirm or deny the existence of a certain act and carry out its thorough legal assessment. The procedural decision to detain a person and choose a decision to take him into custody is very responsible. In the case of making an illegal decision, firstly, the rights, freedoms and legitimate interests of the detained persons are violated, and secondly, the investigator exposes himself to the danger of being brought to criminal liability. The investigator must collect a sufficient evidence base so that in the

future the judge does not question the course of the pre-trial investigation and recognizes all the evidence as admissible, proper and sufficient (Pavlova 2020).

3. Educational level. High-quality training of higher education applicants who intend to carry out professional activities in the field of pre-trial investigation requires considering: (a) the competencies that the applicant must acquire; (b) ways of their acquisition. The relevant competencies are outlined in the Standards of Higher Education in specialty 81 Law. In particular, they include the following: the ability to apply the Convention on the Protection of Human Rights and Fundamental Freedoms, as well as the precedent practice of the European Court of Human Rights; the ability to apply norms and institutions of international public law, as well as international private law; the ability to apply legal norms and institutions in at least such fields as constitutional law, administrative law and administrative procedural law, civil and civil procedural law, labor law, criminal and criminal procedural law; the ability to determine relevant and acceptable facts for legal analysis; the ability to analyze legal problems and justify legal positions; the ability to critically and systematically analyze legal phenomena; the ability to independently prepare projects of law enforcement acts; the ability to logically, critically and systematically analyze the documents, understand their legal nature and meaning; the ability to apply the principles of the rule of law to solve complex problems, including the situations of legal uncertainty; the ability to justify and motivate legal decisions, to give detailed legal arguments; the ability to make decisions in situations that require a systematic, logical and functional interpretation of legal norms, as well as an understanding of the peculiarities of the practice of their application; the ability to approve ethical standards of legal activity, standards of professional independence and responsibility of a lawyer; the ability to independently prepare drafts of law enforcement acts, taking into account the requirements for their legality, reasonableness and motivation. The main forms of acquiring these competencies, in addition to professional practice, are as follows: case law tasks, including the development of action tactics and procedural documents; discussion of solutions in classes; study of real procedural documents, their discussion; business games; review and discussion of records of procedural actions (which are publicly available); classes at forensic training grounds; quests; working out algorithms of actions in certain conditions; preparation of an essay, in particular, regarding one's own vision of interpretation and application of legislation / assessment of a certain practical situation; generalization of court practice on certain issues; mini trainings, etc.

Therefore, the ideas that the investigator and inquirer should not be lawyers indicate a lack of understanding of the specifics of criminal procedural activity

and may lead to the impossibility of implementing the tasks of criminal proceedings, provided for in Article 2 of the Criminal Procedure Code of Ukraine, and the positive obligations of the state to combat crime.

Organization of a Safe Educational Environment and Online Education in Conditions of War

Large-scale hostilities on the territory of Ukraine, missile attacks, including on critical infrastructure facilities, necessitated a prompt response to new needs for the safety of the educational environment. This is connected, firstly, with providing access to the offline educational component (equipment of storage facilities, security points, provision of continuous communication); secondly, with the organization of online learning, which already has a history due to the COVID pandemic, however, it has acquired a new meaning due to security factors and the migration of the population, including applicants for higher education.

We will give a few points on the mechanism of organization and implementation of the educational process at Lviv State University of Internal Affairs, in particular, considering the latest national corrections. Thus, the educational activity with the use of technologies of distance learning of the educational process participants at Lviv State University of Internal Affairs is regulated by the Procedure for the organization of current and semester control of higher education applicants of Lviv State University of Internal Affairs with the use of distance learning technologies.

Distance learning technologies provide interaction between the participants of the educational process, both asynchronously and synchronously, at a time when the possibilities of physically attending the university by higher education applicants are limited or absent, traditional tools of current, semester control cannot be applied due to force majeure (natural disasters, quarantine measures and other circumstances). The organizational and legal principles of the use of distance learning technologies in the educational process of Lviv State University of Internal Affairs are determined by a separate Regulation. According to this internal document, distance learning is an individualized process of acquiring knowledge, abilities, skills, and ways of cognitive activity of a person, which takes place mainly through the mediated interaction of remote participants in the educational process in a specialized environment that functions based on modern psychological and pedagogical as well as information and communication technologies. The use of distance learning technologies is aimed at applicants for higher education who have been transferred to an individual study schedule and/or live in geographically remote or hard-to-reach settlements, and

also the employees of the National Police of Ukraine who do not have the opportunity to study offline, undergo specialization, improve their qualifications with separation from the performance of functional duties at the place of service.

To ensure uninterrupted access of higher education applicants to educational and methodical materials necessary for mastering educational disciplines (distance courses), a web resource management system for educational disciplines (distance courses) is used. Lviv State University of Internal Affairs can use any web resource management system for educational disciplines, which allows us to place interactive educational and methodical materials on the Internet and ensure control over the success of the educational course. Educational classes (lectures, seminars and practical classes, consultations) can be conducted using synchronous and/or asynchronous modes.

It should be noted that now an ever-greater number of scientists and teachers of higher education institutions, as well as educational institutions of all levels, are discussing the advantages and disadvantages of distance learning, the increase in the educational motivation of education applicants, the diversification of educational services and formation of professionally important personal qualities.

Like any pedagogical innovation, distance learning technologies are able to ensure the process of obtaining an education with the introduction of elements of andragogy (education, training and upbringing of adults) and acmeology (mechanisms of human development at the stage of adulthood), and also contain opportunities to increase the efficiency of this process. And here it is very important to consider one nuance: how to use the technologization of education as effectively as possible, while also ensuring the minimization of negative consequences (although in the conditions of war, these reflections should be clarified due to security factors, considering that the highest value is human life).

In terms of the positive aspects of the use of distance learning, the experience of higher education institutions subordinated to the Ministry of Internal Affairs of Ukraine allows us to state that the wide implementation of information technologies contributes to increasing the effectiveness of universities and academies in several key areas such as: educational process, scientific activity, developmental, patriotic-educational, and vocational guidance work.

Updating the educational process consists in creating a universal technological space for communication. This space is organized and serviced by the appropriate infrastructure of the technical base of the educational institution, which during anti-epidemic (quarantine) and other restrictive measures is able to ensure the conduct of all classes provided by the curriculum in a synchronous mode. The developed technical-pedagogical solutions can be actively used even

after the mitigation of the specified restrictions. In particular, the interactivity of classrooms significantly simplifies the possibility of involving stakeholders (potential employers) in the educational process. In universities and academies, systematic work on internal quality assessment and updating of educational and methodological provision placed on distance educational platforms, has been implemented.

The introduction of information technologies also ensured the expansion of forms of scientific communication. Educational institutions regularly hold conferences, round tables, and video-meeting seminars. The spatial factor ceased to be an obstacle for discussion.

There is a qualitative renewal of the work aimed at the professional socialization of education applicants. With the help of online technologies, many events for students and cadets were held remotely. The form and subject matter of extracurricular work is aimed at ensuring the ability of applicants for higher education to work autonomously and in a team, to demonstrate leadership skills and personal traits that meet the norms of professional ethics, as well as their ability for continuous development, self-education, self-analysis, and self-evaluation.

A significant change in vocational guidance work was the holding of mass informational and educational online events. For example, Open Days are often held, where up to a hundred visitors can enter (through online platforms) at the same time and ask all the questions they are interested in regarding admission, training, payment terms, leisure time, self-development, and other aspects of training future specialists.

Using the same technology, various scientific competitions, Olympiads, quizzes, and other events are held, aimed at stimulating and encouraging cognitive and search work of applicants, identifying among them potential candidates for studies at higher educational levels (master's, postgraduate, adjunct, doctoral).

At the same time, certain negative aspects of distance learning cannot be ignored. Despite the obvious positive transformations taking place in the educational environment, the forced widespread introduction of distance learning technologies eloquently indicates the emergence of new systemic risks for education.

In particular, a significant part of the communication component is lost, primarily emotional and psychological, which fragments the personality both internally (purely personally) and externally (socially) due to the limitation of intergroup interaction of the participants of the classes with the help of direct and feedback links. It is necessary to ensure that the social role of higher education institutions and the socialization of students do not "suffer" from the use

of remote technologies in education (although this is extremely difficult to do in the conditions of hostilities).

In addition, cases of complaints that there are considerable risks for the health of all participants in the educational process have become more frequent. Due to the limitation of physical activity and "live" communication, the participants of the educational process are exposed to significant stress factors for both physical and mental health.

It is also worth paying attention to the significant increase in the workload of scientific and pedagogical workers, which affects all components of the educational process. The unpreparedness of the teachers' work accounting system for the widespread use of distance learning technologies creates types of work that can be attributed to "extra" workload. For example, keeping journals of study groups, primary records of success in electronic and paper forms, etc. The organization of the educational process using distance learning technologies requires a review of approaches to determining time standards for calculating and accounting for the work of both a teacher and an applicant for higher education.

In addition, teachers noticed a lack of motivation among applicants for higher education, which is especially evident when using distance learning technologies. A significant number of cadets and students, finding themselves outside constant direct communication, lose interest in learning, mechanically reproduce knowledge during seminar classes, do not use long-term eidetic memory, and therefore do not form stable comprehensive knowledge of the academic discipline.

We should also not forget the aspect that the limited possibilities of distance learning technologies do not make it possible to use them for teaching a significant number of practical disciplines. We are talking about special disciplines studied by cadets: fire training, special physical and tactical-special training, operative-search activity, and many others.

Conclusions

The armed conflict on the territory of Ukraine, which has been lasting since 2014 due to the actions of the Russian Federation, and the last year has been characterized by large-scale attacks and terror against the civilian population of Ukraine, has become a challenge not only for the people and the state as a whole, but also for all social institutions, including education. Considering the purpose of law in society and the rule of law as a fundamental principle of a legal state, the social significance and social responsibility of legal education have increased many times in order to ensure the legal framework of the functioning of the state in the

conditions of armed conflict and martial law, and therefore, to ensure prosecution for international crimes on the Ukrainian territory. The national criminal justice framework is responsible for the proper investigation and prosecution of most international crimes (considering the principle of complementarity of jurisdiction of the International Criminal Court and certain rules of universal jurisdiction). That is why legal education is primarily responsible for training high-level specialists with such knowledge and skills, as well as soft skills, who will be able to carry out this mission, the difficulty of which is to assess the compliance with the norms of international humanitarian law (or, more precisely, non-compliance, since this is characteristic of the Russian Federation), apply the norms of international criminal law and ensure cooperation with international and foreign jurisdictions and institutions. Against this background, the real situation in the state finally proved the falsity of the "myths" that the direction of reforming legal education should be to deprive institutions of higher education with specific conditions of study of the possibility of training in the specialty of Law and that the investigator and inquirer do not need a legal education at all.

Distance learning in terms of epidemic and security factors became another challenge for higher education. Understanding both the positive and negative consequences of the introduction of distance learning technologies makes it possible to assert that a clear definition of the limits of the use of distance education technologies is important. It is appropriate to expand the classical forms of education, in particular, the organization of the educational process according to the "mixed form" with the use of contextual learning, which alternately involves the organization of studying theoretical material in the mode of using distance learning technologies and mastering practical skills in the classroom mode. Under such conditions, the effective use of relevant information resources will ensure the appropriate level of theoretical training of higher education applicants, and a well-planned schedule of classroom (practical, laboratory) lessons will contribute to the acquisition of relevant professional competencies.

The use of distance learning technologies should also be considered as a promising direction for the organization of advanced training in andragogical and acmeological aspects (for those who obtain a second higher education or who started studying in adulthood).

The constant complication of social processes clearly requires updating approaches to the organization and implementation of education. Regarding information and educational technologies, the long-term discussion about the correspondence of the content of education to the requirements of professional activity receives new arguments every time. The evolution of education requires a new level of individualization and actualization of educational content.

Regardless of epidemics, political situation, military or special state in the state, the presence / absence of other circumstances limiting direct communication, distance learning technologies will be developed and used, since they are the tool for solving the problems of individualization and actualization of the content of modern higher education.

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