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The problem of ineffectiveness of international legal norms in the 21st century

Zhanna Zavalna

Doctor of Law, Professor
V. N. Karazin Kharkiv National University
61022, 4 Svobody Sq., Kharkiv, Ukraine
https://orcid.org/0000-0001-6511-2482

Dmytro Shvets

Doctor of Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0002-1999-9956

Mykola Starynskyi

Doctor of Law, Professor
Sumy State University
4007, 116 Kharkivska Str., Sumy, Ukraine
https://orcid.org/0000-0003-2661-5639

Zoriana Kisil*

Doctor of Law, Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0003-1405-4547

Abstract. The study aimed to examine the issue of the ineffectiveness of international legal norms. This research was conducted using a combination of general scientific and specialised research methods. The historical method was employed to trace the general, persistent trend in the assessment of aggressors' actions that led to violations of international legal norms. A systemic approach was applied to identify the reasons for the ineffective implementation of international legal norms by international institutions and to analyse the behaviour of states that violate these norms. It was established that the current state of international law has been shaped by the historical evolution of the international legal order, which has been influenced by cycles of wars, revolutions, and other socio-political crises, with each preceding period concluding in the establishment of a new global order. It has been established that the absence of an international act formalising a new legal order following the dissolution of the USSR – the last significant global geopolitical crisis – provided grounds for claims advocating the restoration of "historical justice" and for engaging in expansionist and other aggressive actions against the countries that were once part of it. This legal uncertainty in the international order has created a backdrop for numerous violations of international legal norms by the Russian Federation. In Ukraine's international legal relations with other subjects of international law, two main reasons for the ineffectiveness of international legal norms have been identified. The first is the incomplete recognition of Ukraine as a sovereign state. The second is the incorporation of moral, ethical, and psychological categories into the norms of international acts as conditions for shaping the behaviour of subjects of international law – namely, states, which, as legal entities, neither possess nor can possess moral, ethical, or psychological characteristics. This study may serve as a theoretical foundation for developing an effective mechanism for the implementation of international legal norms

Keywords: international relations; legal regulation; international treaties; effectiveness of international norms; state obligations

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*Corresponding author

Introduction

The political situation and the status of cases brought in the context of the Russian Federation's crimes against Ukraine demonstrate the ineffectiveness of several international legal norms and international treaty instruments, particularly international conventions. Simultaneously, there is a view that the inability of states to conscientiously adhere to existing international law has led to numerous conflicts and political tensions. Specifically, this situation has arisen as a result of the abuse of legal mechanisms for conflict resolution (States Not adhering to international…, 2019). In situations such as prolonged armed conflicts, the crisis of the ineffectiveness of international legal norms is felt most acutely, which only intensifies human rights violations (Shapovalova & Fedorovska, 2024).

S. Hoffman *et al.* (2023) highlight the ineffectiveness of international law. The authors cite an exception for treaties governing international trade and finance, which consistently yield planned results. The process of peaceful dispute resolution, particularly through courts, is rendered insignificant, as the decisions of such courts remain unenforced when states are unwilling to comply. Such instances of ignoring international law are linked by M. Ahmad *et al.* (2024) to the contradiction between the principle of state sovereignty and the necessity for effective global governance. J. Klabbers (2017) even points to the counterproductive nature of general mechanisms of international law in ensuring respect, enforcement, and accountability of subjects of international law, including international organisations. The responsibility and oversight of their activities were also emphasised by Y. Zhukorska (2024). The researcher underscored the need to improve the international legal regulation of the responsibility of international organisations, considering their unique legal nature. Against this backdrop, the process of peaceful dispute resolution, particularly through courts, is, according to M. Štulajter (2017), rendered insignificant, as court decisions remain unenforced when states are unwilling to comply. A. Abdulkarim & I. Musa (2023) explain the problem of non-compliance by the absence of centralisation and standardisation of enforcement mechanisms, as well as the inadmissibility of limiting state sovereignty.

Ukrainian scholars V. Shcherbakov (2020) and K. Gromovenko *et al.* (2023) have expressed the view that international acts, including conventions and treaties intended to regulate international disputes between states, are practically impossible to implement in practice. D. Galchynskyi (2024) explored the interaction of conventional law with social circumstances during wartime, specifically using the example of the war between Ukraine and the Russian Federation. The author emphasised that traditional mechanisms of international law do not always align with the realities of modern armed conflicts, especially when one party systematically violates international norms. He underscores that the war in Ukraine has highlighted the weakness of international legal guarantees, as existing treaties and conventions often lack effective mechanisms for enforcing compliance. In this regard, D. Galchynskyi (2024) proposed revising the role of international institutions and approaches to the implementation of legal norms in crisis situations, which is particularly significant for assessing the problem of the ineffectiveness of international legal acts. In the context of responsibility for ecocide, this was also emphasised by N. Stasiuk (2024).

L. Denegre (2023) rightly pointed out that even with a substantial amount of research dedicated to studying the problem of the ineffectiveness of international legal regulation of state relations, particularly regarding the Russian Federation's violations in the war against Ukraine, the question of the reasons for the impotence of international norms remains open. It is worth agreeing with this conclusion and summarising the absence of fundamental scientific studies that would directly address the positioning of problematic issues related to identifying the foundations and causes of the ineffectiveness of international legal norms. In this regard, the purpose of this scientific study was to critically analyse the literature on the effectiveness of the mechanism of legal regulation of international relations, which is associated with the identification of factors and causes of the ineffectiveness of international legal acts.

Materials and methods

The study of the problem of the ineffectiveness of international legal norms was conducted within the frameworks of international legal realism and the theory of international institutions. The research was based on a critical evaluation of the mechanisms of legal regulation of international relations, particularly in the context of violations of international law by aggressor states. A combination of methods was used during the analysis to ensure a comprehensive exploration of the topic. The historical method allowed for tracing the trend of the legal development of international norms and their effectiveness in various historical periods. Its application helped to identify patterns of change in the international legal order through historical crises and transformations, which were accompanied by the conclusion of new international acts. The systemic method was used to examine the behaviour of violating states and the mechanisms of international institutions regarding the implementation of international legal norms. This approach allowed for the identification of key issues in legal enforcement and the specific features of legal uncertainty that contribute to breaches of international legal instruments.

The terminological method and the method of analysis were applied to examine the provisions of international regulatory acts and concepts such as "awareness", "aspiration (desire)", "good faith", and "self-restraint". Historical and political perspectives were used in the research to characterise the historical socio-political background, which made it possible to more clearly identify the reasons for tolerance towards the non-implementation of international norms.

The research was based on a wide range of sources, including legal documents, international treaties, and court rulings, as well as analytical reports and scholarly studies. Key documents analysed included the Geneva Convention on the Treatment of Prisoners of War (1949) and Additional Protocol to the Geneva Conventions (1977a; 1977b), as well as the Second Protocol to the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict (1999). In addition, UN resolutions, decisions of the International Court of Justice, and conclusions of international organisations regarding the implementation of international law in modern conflict situations were also utilised.

Results

The historical and political background of international legal relations as a basis for the ineffectiveness of international legal norms. Identifying the causes of the ineffectiveness of legal norms, particularly international ones, requires beginning with a description of the historically developed political environment, which is undoubtedly a fundamental element shaping law in general and international law in particular. The backdrop for states' non-compliance with their assumed obligations is the periodic transformation of the world order. Each stage concludes with the establishment of international agreements that set and legitimise a new international order and state interactions in subsequent historical periods. Notably, during periods of social and political upheaval, norms established in international acts, whether bilateral or multilateral treaties are violated more frequently. Such events in the 20th century typically culminated in the adoption of new international acts, the conclusion of new international treaties, and the establishment of a new order.

The modern world order has its origins in the Westphalian system, established in 1648. The next stage in the formation of the world order was the Congress of Vienna (1814-1815), the purpose of which was to resolve issues related to the distribution of spheres of political influence after the defeat of Napoleonic France. The victors enshrined in international agreements the restoration of monarchies overthrown by the First French Revolution, and the return of peace and tranquillity, but in doing so, they altered the borders of states on the map of Europe. This sparked revolutions and the formation of new national states in Europe. Contradictions between them became one of the causes of the destruction of the established order and the beginning of the First World War (Arendt, 1973).

With the end of the First World War, a new stage of the world order began, known as the Versailles Peace. The Versailles Treaty (1919), signed in Versailles on 28 June 1919, between the victorious states of the First World War on one side, and defeated Germany on the other, became a major cause of dissatisfaction among certain nations, their rejection of the established order, and led to the Second World War. As a result of the Second World War, the Potsdam Agreement (1945) was concluded, establishing a new world order that remained in effect until the dissolution of the Soviet Union.

A new stage in the development of the global order system is associated with the end of the Cold War and the dissolution of the Soviet Union. The collapse of one of the influential states and the attainment of independence by the former Soviet republics occurred alongside local military conflicts within the territories of the newly formed states. On one hand, these events significantly impacted the geopolitical map of the world and led to the reconfiguration of the international order. However, on the other hand – and this is a distinctive feature of this stage – the post-Soviet order was not consolidated and legitimised by corresponding international acts or treaties, but was limited to a series of local agreements: the Agreement Establishing the Commonwealth of Independent States (1991), the Alma-Ata Declaration (1991), the Treaty on Conventional Armed Forces in Europe (Adopted) (1996) (suspended by the Russian Federation in 2007), and others. The Russian Federation, as the primary "beneficiary" of the Yalta and Potsdam Conferences, guides its international relations based on the norms and principles established at the end of 1945. Thus, 1991 did not mark the beginning of a new world order.

As of 2025, the trend of armed conflicts and territorial seizures by states demonstrates that certain nations are not adhering to international rules. A state of impunity is fostered by the political decisions of international organisation leaders and other influential actors within the international community (Klabbers, 2017). The prevailing atmosphere of impunity for violations of international humanitarian law within the global community intensifies the negative impact on both those who abide by these rules and, crucially, those who breach them (Roberts, 1995; States Not Adhering to International…, 2019). The provisions of international acts, according to A.M. Slaughter *et al.* (1998), while ostensibly framed as obligations, in reality, often amount to mere promises of protection for "weaker" nations. For militarily powerful states, such as the Russian Federation, international treaty mechanisms, for example, the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons (1994), serve merely as tools of global governance, the war in Ukraine being a stark confirmation of this. Sociological science and legal theory convincingly demonstrate that norms are effective only when not only is responsibility established for their violation but also when those who breach such norms are held accountable.

Norms of morality and ethics in international legal acts. The majority of international legal norms are codified and contained within international treaties, conventions, and declarations. An analysis of the provisions of international acts reveals that the rules of conduct for participating states are formulated based on psychological and moral categories. That is when formulating legal norms regarding the development of their decisions and conduct, states and authorities are required to "recognise" the consequences of their decisions and actions (Geneva Convention…, 1949); a demand is made for self-restraint in their actions and decisions, considering that states need to "recognise" and "refrain"; authorities must "recognise" the necessity of mercy (Convention on the Amelioration…, 1949); and shape their conduct by "aspirations" (Additional Protocols…, 1977a; 1977b) and "desires" (Geneva Convention…, 1949a; 1949b).

An analysis of the Criteria formulated and outlined in the OSCE Programme Document "Principles for Dispute Settlement", adopted at the meeting on 8 February 1991, in Valletta (Malta) (Report of the CSCE Meeting…, 1991), reveals a list of obligations that are formulated based on psychological and moral categories. Specifically, among such obligations, the drafters recorded "aspiration" for the peaceful settlement of disputes, acceptance of any procedure for peaceful settlement, and that the settlement of disputes must be based on "good faith" and cooperation. At this level, a general trend of mixing law with morality and psychology is evident.

Thus, as a result of analysing the content of international legal norms, a tendency emerges towards formulating provisions of regulatory acts or general principles for regulating conduct during wartime or in the prevention of military actions using moral-ethical and psychological categories, including: "refrain", "recognise", "good faith", "aspiration", and "desire" (Geneva Convention…, 1949a; 1949b; The Hague Convention…, 1954; Additional Protocols…, 1977a; 1977b). Furthermore, supporting and

developing the moral-ethical foundations of international law, A. Vitchenko (2022) notes the "innate necessity to be humane", V. Hrynchak (2016) mentions "self-restraint", and commissions of international experts introduce into the content of international legal documents concepts such as "desire for reconciliation" or "aspiration for peace" (Manila Declaration…, 1982). Meanwhile, the Russian Federation, a signatory to nearly all international conventions and a formal guarantor of compliance with international acts (On the eve of the Ukrainian Peace Summit…, 2024), effectively disregards the requirements of international acts while simultaneously demanding their observance from the defending state.

Reasons for the ineffectiveness of international norms. The first reason for the ineffectiveness of international norms lies in the lack of acceptance of Ukraine as an equal partner and subject of international relations and law. The status of a subject of international relations and law, according to I. Kuyan (2013) is based on such legal and political characteristics of a state as sovereignty. Ukraine's sovereignty, according to V. Kholod (2006), in international relations, consists of the Ukrainian state's realisation of the full extent of its power in all spheres of foreign policy activity, independence from the influence of other states or their associations, in the determination and implementation of foreign policy, and non-subordination to any foreign authority.

This is a theory that could be put into practice if other subjects of international relations recognise the state as a legitimate holder of sovereignty. If one examines the practical implementation of Ukraine's external sovereignty, it is evident that after the dissolution of the Soviet Union, Ukraine was not perceived as an equal partner. This was because Ukraine was viewed within the global community through the lens of the Russian Federation's interests. By the mid-2000s, this perspective began to influence political decision-making by European and U.S. leaders. This is evidenced by the statements of the prominent U.S. political figure and former National Security Advisor to President Jimmy Carter, Zbigniew Brzezinski. In his analysis of the state of world politics after the Cold War, Z. Brzezinski (2000) described the loss of Ukraine for the Russian Federation as "the greatest political disappointment", which became "a moment of profound concern". This highlights, on one hand, the geopolitical realities, and on the other, the attitude of the geopolitical elite towards Ukraine: "disappointment" and "concern". In such assessments, Z. Brzezinski (2000) reveals a solidarity with the ideologue of Russian policy, A. Dugin (1999).

It is noteworthy that both authors, although representing states with differing geopolitical interests, perceived Ukraine through a similar lens, namely as a "disappointment", a "moment", and a "negative phenomenon". Such a reflection of the views of the geopolitical elite regarding Ukraine can be interpreted as a perception of an entity that lacks its own political or legal will and capacity, and whose fate can be decided without significant regard for its vision of the future. Essentially, according to Zh. Zavalna (2022) and Zh. Zavalna and M. Starinskyi (2023), this perspective on Ukraine as an object of international relations became a precondition and basis for the failure of signatory states, not just the Russian Federation, to fulfil the "assurances" outlined in the Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Non-Proliferation of Nuclear Weapons (1994). (Unlike a treaty or agreement, a memorandum does not have legal force, which is why it is more appropriate to refer to "assurances" rather than obligations reflected in the terms of this document).

Considering the positioned political realities, and as historical facts demonstrate, the Russian Federation, as a state with a low level of rule of law, does not and will not adhere to the requirements of international legal norms in the context of recognising the sovereign territories of neighbouring states that are weaker both politically and militarily. Accordingly, the aggressor state appeals to the demonstration of military force and employs it repeatedly in the modern era (the occupation of parts of Moldova in 1992, parts of Georgia in 2008, and parts of Ukraine in 2014). Based on a historical analysis of the contemporary policy of the Russian Federation, a general trend in the behaviour of the country's military-political leadership can be observed: international conventions, in particular, and international rules in general, are neither perceived nor implemented. Moreover, the country simply refuses to comply with them (Kryachok, 2024). This historical and socio-political backdrop forms the legal problem of the ineffectiveness of international legal norms.

The second reason for the ineffectiveness of international legal norms is the incorrect formulation of provisions, specifically the introduction of moral and ethical concepts into regulatory acts that are not supported or secured by a legal mechanism for their implementation. There is a flawed notion that international legal norms are implemented "on their own" and do not impinge upon state interests, nor do they require any effort in their execution, as such a regime is already established in international norms. That is, international law is considered "self-sufficient" through the formulation of norms that operate automatically by the desire of the subjects of international law. However, they are not ideal actors who agree to all restrictions and prohibitions solely based on their own "recognition" and "refraining" from certain actions, "good faith" application of international legal norms, and "aspiration (desire)" for positive outcomes for the UN, OSCE, or other states.

Based on the formulations of the aforementioned international regulatory norms, it is worth noting that the concepts are framed as moral and ethical requirements, which are and should be the basis of every legal act but extend somewhat beyond the scope of legal regulation. Such formulations are appeals to the individual moral qualities of the implementing state representative. However, the question arises regarding the correspondence of the individual characteristics of the ruling elite to the aggregate of necessary moral and ethical values proclaimed in international law. In such a case, the problem arises whether this means that such individuals (heads of state, heads of international organisations) are not required to "refrain" or "desire" the outcomes demanded of them by international legal norms. A similar logic may also contradict the worldview and ideological factors that determine the behaviour of political actors. In particular, according to the traditions of post-Soviet legal jurisprudence, it becomes possible to explain the rejection and nonimplementation of international legal norms by the Russian Federation. This is because the bearers of professional legal consciousness (including representatives of the ruling elite in the Russian Federation) are bearers of an eclectic, including Marxist-Leninist, ideology (Bailey, 2022). Through this lens, the ruling elite of the aggressor state, as well as its entire society, may perceive non-compliance with international legal norms based on the principle that "anything not

explicitly prohibited can be disregarded", or in other words, that regulatory acts must use normative instruments of influence that ensure normative force.

The problem of implementing international legal norms also lies in the fact that, as a rule, conventions, international treaties, and agreements derive their legal force from the willingness of the subjects of international law themselves to limit their sovereignty and accept those behavioural restrictions that were the "recognition" of the need to "refrain" from certain actions or to fulfil the "desire" of another subject of international law. At the level of a state's national legal system, such force of a regulatory act is secured by a legal mechanism for regulating relations, which specifies sanctions of liability, with imperative norms establishing the jurisdictional and non-jurisdictional nature of the consequences of non-compliance (non-implementation) with the norms. At the level of international law, most international acts secure their legal force not through imperative authority (external authoritative force), but through their own consent and disposition to engage in a certain type of behaviour, aimed at a willingness to "recognise" the interests of others and a desire to yield in the pursuit of their own interests.

Discussion

Ukrainian researchers of international law, V. Kyrgizova and I. Maryniv (2022), in a somewhat romantic vein, emphasise the need for "…understanding that in the implementation of the common will and cooperation it is possible to achieve a solution to the international problems, to achieve the common interest, and not to meet the current economic needs of each state separately, will allow solving many global problems of our time". I. Hetman-Pyatkovska (2015) also calls for faith in the moral value of international law, which is the basis of its effectiveness, and expresses hope for the efficacy of international legal means based on the reasonableness and good faith of the aggressor. Another approach is hard realism. In these circumstances, two problems intersect: 1) adherence to national legal norms through the demonstration of a state's external sovereignty and its acceptance by other subjects of international law; 2) adherence by a state to international legal norms, together with moral-ethical values, through concessions and the relinquishment of a portion of its sovereignty and interests.

To maintain a balance between these positioned contradictions, subjects of international legal relations constantly resort to certain not entirely bona fide practices, which fully correspond to the socio-political backdrop outlined above. Sovereignty, as A. Guzman (2011) notes, until a certain period in the development of international law, required states to consent to obligations in treaty relations. In the 21st century, according to A. Korynevich (2015), M. Evangelista and G. Tannenwald (2017), and Zh. Zavalna and M. Starinskyi (2023) systematically avoid formalising their agreements with treaties, preferring to sign memoranda and other documents that lack legal force. Thus, states do not include legal mechanisms for ensuring their implementation in their own relations. The view of A. Guzman (2005) is valid, who notes that states prefer to utilise "soft law" mechanisms, which make their agreements less reliable and, therefore, easier to violate. The substitution of consent, as a binding legal element, in the legal construction of international legal obligations, with "soft law" recommendations conveyed through moral-ethical categories such as "recognition", "aspiration", "desire", "self-restraint", and "good faith", replaces the very essence of bilateral obligations with unilateral obligations that have possible variations for a state to assume or reject its own obligations. An analysis of these categories from the perspective of the legal regulation of international state relations can become one of the main arguments to substantiate the ineffectiveness of international legal acts.

In psychology, "awareness" is considered a phenomenon that is the process of perceiving, understanding, and interpreting information that reaches human consciousness. O. Dolska (2024) proposes that "awareness" be considered a psychological term that includes the description of the formation of meanings through consciousness, bodily sensations, and an understanding of the methodology of meaning formation and its comprehension. N. Volanyuk *et al.* (2019) believe that the category of "awareness" also belongs to social psychology when it comes to the specifics of interaction and communication between groups in society. However, "awareness" is not inherent to a state as a subject of legal relations. This is confirmed by an analysis of scientific research in the field of legal theory and specific branches of law. Thus, "awareness", according to O. Reznik (2006), in constitutional law, is defined by the framework of discussing the identification of citizens with a particular state, while research in other branches of law is reduced to legal consciousness (Makarenko, 2018), to awareness of one's rights (Khazhynskyi, 2011), and, according to G. Klimova (2012), to the duties of natural persons as subjects of law. Therefore, when the requirement to "recognise" the consequences of their actions and conduct is introduced into international legal norms for states, it is not actually about the state, but about a specific official – a representative of the state – who must recognise and bear the full burden of legal responsibility for a lack of awareness and non-compliance with international legal norms.

"Aspiration (desire)" is a part of international legal norms and is the result of the imagination of powerful states regarding the necessity to legally regulate the use of force and, thus, prevent civilian casualties and destruction, and aim for the establishment of a just and sustainable peace after a conflict (Trenkov-Wermuth, 2011). According to international norms, before the commencement of the Russian Federation's full-scale invasion of Ukraine, V. Hrynchak (2016) emphasised that a state must have an aspiration (desire) for peace. Research by B. Prokhonsky and H. Yavorska (2022) reveals entirely opposite tendencies, namely, speaking of the necessity to develop effective means of countering hybrid or terrorist wars, which are practically a combination of military actions and covert operations.

Therefore, it is difficult to agree with the application of the concept and category of "aspiration (desire)" in the legal regulation of the activity of a subject such as a state, since "aspiration (desire)" is an internal psychological state of a subject, inherent to it by its very nature. Conversely, a state, as a subject, can have a clearly formulated and expressed state policy, which reflects its possible steps and planned behaviour, rather than feelings, emotions, and other characteristics uncharacteristic of this subject.

"Self-restraint" is a volitional category, which is part of a subject's independent determination of its status for itself. As with the analysis of previous categories, it is worth noting that "self-restraint" is a psychological category based on cognitive and volitional aspects. When self-restraint is

discussed in legal theory, it primarily refers, according to D. Petsa (2020), to the problem of self-restraint of state power, which must be transferred to civil society, thereby protecting it from possible arbitrary actions by the state.

In the doctrine of international law, self-restraint is perceived as a set of volitional efforts aimed at limiting one's own interests through compliance with the requirements of international legal norms. The foundation of self-restraint, as V. Hrynchak (2016) rightly notes, is the mutual respect of all parties for the sovereign rights (sovereignty) of the other party and for the requirements of international legal norms, although the author himself rightly argues that a state will under no circumstances forgo possible advantages, nor will it voluntarily limit its sovereign rights. The formation of such an internal conviction state can be achieved through political, economic, organisational, and diplomatic means, which do not fall within the legal domain. Therefore, the codification of norms expressed in psychological categories should be considered, as M. Starynskyi (2017) does, as a neutralisation of legal norms or the impotence of dispositive measures and means of regulation.

"Good faith", while a principle of legal regulation of legal relations, is also based on and derives from the psychological foundations of behaviour. The use of legal and contractual means of regulation "for show" or fictitiously, that is, merely to manifest the external performance of political-legal rituals (treaties, agreements, consultations, etc., those required in diplomatic circles, which, when used for non-targeted purposes, become ritualised practices). It is the adherence to formal requirements of international legal norms regarding the implementation of a certain order and procedures, without aiming to achieve a positive outcome, that transforms into an empty, ineffective ritual. For example, a state's consent to participate in direct negotiations does not always imply, according to V. Hrynchak (2016), goal-setting towards dispute resolution. Similarly, direct participation in the negotiation process does not prevent a party acting in bad faith from achieving its own goals by merely declaring its good faith and monitoring the other party's bona fide compliance with contractual provisions or conditions.

Bad faith conduct in the conclusion and implementation of bilateral agreements has become a historical tradition in relations between the Russian Federation and Ukraine. Two of the most glaring historical examples of the aggressor state's "bad faith", which demonstrated the ineffectiveness of norms enshrining the principle of good faith, are: the conclusion and signing of the Minsk agreements of 2014-2015, aimed at the peaceful resolution of the military conflict (Full text of the Minsk agreement, 2015), when the ceasefire requirement was adhered to only by the Ukrainian side (Protocol Based on the Results of Consultations…, 2014; A set of measures for the implementation…, 2015). In neither the first nor the second case did the Russian Federation initially aim to achieve the goals typically achieved through the conclusion of treaties – a balance of interests between the parties in contractual relations. Instead, the aggressor state used the means of contractual regulation in bad faith to maintain, strengthen, and secure its own interests. That is, building a legal mechanism based on the expectation that the aggressor state will exercise "selfrestraint" based on adherence to "good faith" in relations with a state whose sovereignty it does not recognise is, to put it mildly, unrealistic.

It is a generally accepted position in legal theory that morality must be separated from law, and their mechanisms of action and guarantees must be distinguished. It is understood that the focus of international law on protecting universal human values requires the specification of the general direction of action and implementation of international legal norms. It is worth agreeing with the necessity of outlining the general principles of international law based on moral-ethical values. However, at the same time, building mechanisms of legal regulation based on the expectation that states (subjects that do not and cannot possess psychology and morality) will fulfil moral and ethical requirements through appeals to feelings and emotions appears to contradict the very nature and functions of legal regulation and law in general.

Thus, provisions containing moral and ethical categories in international regulatory legal norms, as well as requirements to build relations in good faith, do not ensure the implementation of international legal acts by subjects of international law, especially when they are representatives of an aggressor state. Furthermore, the formulation of international legal norms in moral-psychological categories and the call to engage emotions and feelings when making decisions regarding states as subjects of international law are, from a legal standpoint, formulated in a way that contradicts both formal logic and normative (positivist) theories of legal understanding. That is, all psychological and moral categories describe the internal realm of an individual's existence (a ruler, a representative of state authorities) but in no way describe a state as a subject of international law. As is well known, moral and ethical means and instruments of influence are not means and instruments of the mechanism of legal regulation in either national or international law.

Conclusions

This study aimed to identify the reasons for the ineffectiveness of international legal norms. The research established that the current state of the international legal order, which is the result of a combination of historical and political factors, has in turn formed the basis for a long-standing culture of condescension among the economic and geopolitical elite towards the necessity of applying international legal norms when dealing with "weaker" nations. The lack of an effective response from international institutions and powerful states has led to the failure to hold violators of international legal norms accountable. This demonstrates the ineffectiveness of the legal mechanism for implementing international norms and also highlights the futility, rather than the groundlessness, of the expectations of the Ukrainian leadership and society for the application of international legal acts.

The legal reason for the ineffectiveness of international legal norms is the introduction of moral-ethical categories into these norms through appeals to the feelings and emotions of subjects of international law, who by their nature possess neither morality nor psychology. This manifests an illogical architecture of international acts at the formal level and embeds within their very essence the impossibility of their practical implementation. International law is largely based on categories of "good faith", "self-restraint", "awareness", and "aspiration (desire)", which, while important in interpersonal and social interactions, cannot be effective regulators of state behaviour.

The analysis of regulatory acts has revealed a conflation of legal and moral-ethical categories in international law,

which creates difficulties in their application. Requirements to "recognise" or "aspire" to peace cannot be legal norms, as states, unlike natural persons, do not possess psychological consciousness or moral imperatives. These terms lack binding legal force and leave room for subjective interpretation, which, in turn, weakens the mechanisms for holding violators accountable. Another crucial aspect is the insufficient recognition of Ukraine as a fullyfledged subject of international law. This has manifested, notably, in the non-compliance with the provisions of the Budapest Memorandum and the ineffectiveness of international pressure mechanisms on the aggressor.

Therefore, a terminological re-evaluation of key international legal norms is necessary to avoid legal uncertainty. Concepts must be clearly defined and leave no room for arbitrary interpretation. To achieve this, the imperative nature of international norms should be strengthened, and mechanisms for their strict enforcement should be developed.

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Conflict of interest

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Проблема недієвості міжнародно правових норм в XXI столітті

Жанна Завальна

Доктор юридичних наук, професор
Харківський національний університет імені В.Н. Каразіна
61022, площа Свободи,4, м. Харків, Україна
https://orcid.org/0000-0001-6511-2482

Дмитро Швець

Доктор юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0002-1999-9956

Микола Старинський

Доктор юридичних наук, професор
Сумський державний університет
4007, вул. Харківська, 116, м. Суми, Україна
https://orcid.org/0000-0003-2661-5639

Зоряна Кісіль

Доктор юридичних наук, професор
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0003-1405-4547

Анотація. Мета дослідження полягала у дослідженні проблеми недієвості норм міжнародного права. Дане дослідження здійснювалось із застосуванням сукупності загально-наукових та спеціальних методів дослідження. Історичний метод був використаний задля відслідковування загальної сталої тенденції оцінки дій агресорів, які призводили на порушення норм міжнародних актів. Системний підхід застосовано при розгляді питання виявлення причин неефективної реалізації норм міжнародного права міжнародними інституціями та дослідження поведінки держав порушниць норм міжнародного права. Було виявлено, що основою для нинішнього стану міжнародного права стала історична змінюваність міжнародно-правового порядку, який формувався під впливом чергування війн, революцій та інших соціально-політичних криз та укладенням в кінці кожного старого періоду закріплення нового світового порядку. Виявлено, що відсутність міжнародного акту, в якому б оформлювався новий правовий порядок після розпаду СРСР – останньої із вагомих світових геополітичних криз – дала основу для заяв про необхідність відновлення «історичної справедливості» і здійснювати загарбницькі та інші агресивні дії проти країн, які входили до її складу. Така правова невизначеність міжнародного порядку стала тлом для численних порушень норм міжнародних актів з боку РФ. У міжнародно-правових відносинах України із іншими суб'єктами міжнародного права фону проявляються дві причини недієвості норм міжнародних актів. Перша причина – це неповне сприйняття України як суверенної держави. Друга – застосування в нормах міжнародних актів морально-етичних та психологічних категорій як умов для формування поведінки суб'єкта міжнародного права, а саме держави, яка як суб'єкт права не має і не може мати морально-етичних та психологічних характеристик. Дослідження може бути використане як теоретична основа для створення ефективного механізму дії норм міжнародних актів

Ключові слова: міжнародні відносини; правове регулювання; міжнародні договори; ефективність міжнародних норм; зобов'язання держав