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тел.: +380 (32) 258-69-54
E-mail: journal@sls-journal.com.ua
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Forced surrogacy as a background phenomenon of human trafficking

Olena Savayda*
PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0003-2035-2604

Ulyana Tsmots
Senior Research Fellow
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0002-8423-8272

Abstract. The article examined forced surrogacy as a latent manifestation of human trafficking, which poses a threat to the democratic and legal foundations of society, especially in the context of armed conflicts, which makes the study relevant. The aim of the work was to clarify the legal nature, causes and consequences of forced surrogacy as a form of exploitation and to develop ethical and legal guidelines to prevent this phenomenon. The methodology was based on the application of formal-legal, comparative-legal, problem-oriented, systemic-structural, logical-legal methods and the method of generalisation, which allowed for a comprehensive analysis of normative acts, approaches of different countries and key contradictions in the field of reproductive practices. The study found that forced surrogacy, despite its formal similarity to legal medical services, actually contains signs of exploitation and can be classified as a form of human trafficking under international law. It has been shown that socio-economic instability, imperfect regulation and the lack of effective control over the activities of medical and intermediary structures create a breeding ground for abuse, commercial coercion and violations of women's rights. International documents and Ukrainian legislation have been analysed, revealing gaps in regulation, including the absence of a clear legal definition, uniform standards for the protection of women and effective mechanisms for state control. Ethical and legal guidelines are proposed to minimise the risks of exploitation by strengthening guarantees of dignity and equality and enhancing international cooperation in combating human trafficking. The practical significance of the results obtained lies in the possibility of using the recommendations formulated to improve national and international policies in the field of reproductive technologies and the protection of women's rights

Keywords: exploitation; human rights; victim; violation of women's rights; violence; coercion

Introduction

When examining such a negative antisocial phenomenon and crime as human trafficking in modern conditions, it should be noted that, unfortunately, it remains relevant. It is evident that the growth of human trafficking both in Ukraine and in other countries (DW Global Media Forum, 2025a) and the dangers it poses necessitate the adoption, regulation, and control of this issue at the state level. This is evidenced by the enactment of a special regulatory framework to combat and eliminate human trafficking and its underlying phenomena in many countries. Ukraine is no exception (Order of the Cabinet of Ministers of Ukraine No. 496-p, 2023).

J. Attawet *et al.* (2024) emphasise that the growth in global demand for surrogacy services against the backdrop of gaps in legislation contributes to the spread of commercial practices in this area. This development gives rise to numerous ethical, legal, physical and psychological risks for the parties involved, in particular surrogate mothers and children. The researchers highlight systemic problems associated with the contractual nature of such agreements, which can contribute to structural inequality and exploitation. Particular attention was paid to the challenges that arise in the context of international surrogacy, including the threat of loss of cultural identity for the child. The authors stress that a total ban on commercial surrogacy could lead to its undergroundisation. In this context, revising legislative approaches with a focus on protecting the rights of surrogate mothers without criminalising them is seen as a potentially effective strategy.

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*Corresponding author

C. Schurr and E. Militz (2018) note that transnational arrangements for surrogacy are inherently linked to elements of partial commercialisation, regardless of whether they are presented as altruistic or commercial practices. This is because processes of affective and functional attachment and alienation play a key role in constructing the intimate boundaries of families that are formed in the context of the globalised surrogacy industry. Z. Nisha (2022) conducts an in-depth feminist analysis of surrogacy in the Indian context, viewing it as a complex social phenomenon that can simultaneously serve as a means of self-realisation for women and a mechanism for their social control. The author demonstrates that legislative restrictions on commercial surrogacy, particularly within the framework of Government Act of India No. 47 "Surrogacy (Regulation) Act, 2021" (2021), do not necessarily guarantee freedom or protection for surrogate mothers. On the contrary, such restrictions may reinforce traditional, patriarchal notions of women's roles, undermining the autonomy of women who seek to independently determine the terms of their own reproductive participation. Thus, the study emphasises the importance of rethinking the concept of "freedom" in the context of surrogacy and the need for regulatory approaches based on taking into account the voices of women themselves and respecting their choices.

From a psychological point of view, P.V. Tsymbal and N.V. Zavydnyak (2024) study the internal mechanisms of coercion and psychological dependence of victims of human trafficking on their exploiters. The authors conclude that the psychological trauma of women, particularly in the context of forced surrogacy, is one of the key consequences of this phenomenon, requiring comprehensive rehabilitation. In the field of legal morality, Y.Yu. Kozar and O.R. Saveliev (2024) examine human trafficking as a violation of the moral and legal foundations of human dignity and freedom of choice. They emphasise that the formation of a legal culture based on ethical values is an important condition for overcoming exploitative practices in modern society.

Taking into account the analysed scientific approaches, it can be argued that the problem of human trafficking, particularly in the aspect of forced surrogacy, is multidimensional and requires interdisciplinary consideration. Criminal law, sociological, psychological, and moral-ethical studies demonstrate that this phenomenon is formed not only due to the imperfection of the legislative framework, but also due to deep social and value deformations. The aim of this study was to determine what a negative social phenomenon such as forced surrogacy, as one of the background phenomena of human trafficking, represents in general, as well as to investigate the international status of this phenomenon.

Literature review

According to Ukraine's national regulatory framework, one of the main tasks in the field of preventing human trafficking is to identify the causes and preconditions for the emergence of this negative phenomenon (Law of Ukraine No. 3739-VI, 2012). There are a considerable number of scholars who study human trafficking and its causes from different perspectives, namely: in the field of criminal law and criminology. For example, within the framework of the criminal law approach, D.V. Hryhorchak (2025) studies human trafficking as a systemic criminal phenomenon that arises at the intersection of social vulnerability and imperfect state control mechanisms. The scholar concludes that effective counteraction to this crime is possible only through the integration of criminal law and social prevention tools. S.G. Kyrenko and D. Gumenyuk (2023) analyse human trafficking through the prism of contemporary trends in criminological science, viewing it as a consequence of structural deformations in society, in particular gender and economic inequality. The researchers emphasise the need to rethink the category of "exploitation" in the context of changes in the labour market and international migration. In the works of A. Andrushko (2021), human trafficking is considered a manifestation of transnational crime that requires the improvement of international criminal cooperation. The author emphasises the inconsistency between the national legal systems of different states, which complicates the prosecution of the organisers of such crimes.

From the perspective of common law and state building, P. Kotiswaran (2017) examines human trafficking as a consequence of the globalisation of economic processes and the commercialisation of the human body. The scholar emphasises that modern legal policy should take into account not only prohibitive but also socio-economic factors that shape the environment of exploitation. A. Gallagher (2010) examines the problem of human trafficking through the prism of international human rights law, focusing on the balance between state sovereignty and obligations to protect victims. In her opinion, the effectiveness of combating this phenomenon depends on the actual implementation of the provisions of the Protocol to Prevent and Suppress Trafficking in Persons into domestic legislation of states.

P. Asirvatham (2017) emphasises that the growing number of poor, illiterate women who join this process raises serious questions about possible coercion. On the other hand, it creates certain economic opportunities for them. In this context, an important question is analysed: can coercion be justified if it benefits the poor. The life stories of commercial surrogates are examined and various forms of coercion, which often remain invisible, are considered. S. Wilkinson (2015) explores the ethical issues associated with international commercial surrogacy, focusing on questions of exploitation. The author analyses whether surrogacy agreements between wealthy clients from developed countries and women from economically vulnerable regions are a form of morally unacceptable exploitation. The researcher argues that although the inequality and vulnerability of the participants in such agreements may create grounds for exploitation, not every case is ethically problematic. He distinguishes exploitation as unfair advantage and emphasises the importance of regulation rather than a complete ban on such practices. The study calls for ethical regulation of the international surrogacy market in order to protect women's rights and reduce the risks of their exploitation.

P. Trowse and D. Cooper (2018) examine the exploitation of surrogate mothers in India within the framework of international commercial agreements. The main focus was on the ethical aspect: can a woman's consent be considered truly voluntary in conditions of economic vulnerability. The authors analyse the structural inequality between surrogate mothers and clients, as well as issues related to the lack of legal protection for women. The article emphasises the need for clear legal regulation to reduce the risks of exploitation, with a focus on strengthening the protection of surrogate mothers rather than a complete ban on commercial practices.

A. Atreya and T. Kanchan (2017) explore the ethical and social aspects of forced surrogacy in Nepal. The focus was on the deeply problematic nature of forced surrogacy in this country, which occurs in a context of legal vacuum, social vulnerability of women and commercialisation of reproductive labour. The study shows that many women are involved in surrogacy without full informed consent and due to economic coercion, which is a form of exploitation. The lack of state control allows private clinics to operate without ethical restrictions, which is particularly dangerous in a country with high levels of poverty and gender inequality. The authors emphasise the need for the immediate introduction of strict regulatory mechanisms and the guarantee of the rights of women who may become victims of reproductive exploitation. They also stress the importance of international monitoring and ethical responsibility of clients in transnational surrogacy agreements.

However, despite a significant amount of research, the aspect of forced surrogacy as a latent form of human trafficking remains under-reported in contemporary scientific literature. The vast majority of works focus on general theoretical issues of combating human trafficking, leaving aside the specific mechanisms of exploitation inherent in the reproductive sphere. That is why research is needed to reveal the legal nature, causes and consequences of forced surrogacy, as well as to determine its place in the structure of criminal practices related to human trafficking.

Materials and methods

The study applied conceptual and theoretical frameworks based on contemporary approaches to the study of legal aspects of assisted reproductive technologies and human trafficking, in particular analysing theories of human rights, concepts of gender equality and the protection of reproductive rights. The use of general scientific and special methods of scientific knowledge allowed for a comprehensive assessment of the legal, medical and social aspects of forced surrogacy. A formal legal method was used to analyse the current regulatory and legal acts of Ukraine, in particular the Civil Code of Ukraine (2003), the Family Code of Ukraine (2003), Civil Procedure Code of Ukraine (2005), as well as subordinate acts of the Ministry of Health of Ukraine, such as Order No. 24 (1997) and No. 771 (2008), which regulate the procedures for artificial insemination and embryo implantation. This method revealed gaps in legislation that create risks of violating the rights of participants in surrogacy programmes, and identified regulatory mechanisms governing written informed consent and the responsibilities of medical institutions.

The comparative legal method made it possible to compare the legal limits of conventional surrogacy and forced surrogacy practices in an international context, in particular on the basis of Government Act of India No. 47 (2021), as well as data from international studies by ENoMW and ICAMS-ICASM (2022) covering cases of exploitation of migrant women in the field of surrogacy. The problem analysis method identified the socio-legal problems caused by forced surrogacy as a form of exploitation, while the alternative method allowed to systematise the positions of various authors on ways to overcome this phenomenon and classify states according to their level of regulation: those that prohibit, partially allow or fully allow surrogacy.

The source base of the study included regulatory and legal acts of Ukraine and international documents: Law of Ukraine No. 3739-VI (2012), Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000), International Covenant on Civil and Political Rights (1966), Convention on the Rights of the Child (1989), as well as international studies and reports by DW Global Media Forum (2025a, 2025b), UNICEF & ISS (2021), and the International Justice Resource Centre (2025a, 2025b). Data obtained from open sources, statistical and analytical reports, communiqués from international organisations and press releases were processed. This approach made it possible to integrate the medical, legal, social and international legal aspects of the problem, ensuring a comprehensive analysis and the formulation of recommendations for overcoming the negative consequences of forced surrogacy.

The research sequence included: systematisation of the regulatory and legal framework; a comparative analysis of international and national practices; the identification of gaps and problematic aspects of the use of forced surrogacy; the summarisation of the positions of scholars and experts; the formulation of conceptual and practical conclusions on the protection of the rights of participants in surrogacy programmes and the prevention of exploitation. The study and analysis of sources made it possible to assess the real risks of forced surrogacy as a form of human trafficking and to provide legal and ethical guidelines for the development of safe and legal practices in the field of assisted reproduction.

Results and discussion

Background phenomena of human trafficking. Human trafficking is one of the phenomena of the modern world that is equated with modern slavery. At the international and global levels, it remains one of the priority challenges. Alongside this crime, there are numerous negative social and criminal phenomena, including organised crime, corruption, social marginalisation and forced surrogacy, which exacerbate and expand the scope of human exploitation.

Surrogacy in Ukraine is in a significant legal vacuum, as the Civil Code of Ukraine (2003) and the Family Code of Ukraine (2003) do not contain a specific definition of this phenomenon and do not establish clear mechanisms for regulating the rights and obligations of programme participants. The medical aspects of artificial insemination and embryo implantation were previously regulated by Order of the Ministry of Health of Ukraine No. 24 (1997), which required procedures to be performed only in specially accredited institutions and provided for the written informed consent of all participants in the programme. However, Order of the Ministry of Health of Ukraine No. 24 (1997) and No. 771 (2008) established rules for the use of assisted reproductive technologies, including artificial insemination and embryo implantation. This regulation is also currently considered invalid and has no legal force.

The absence of valid medical and legal acts creates numerous legal problems. In particular, surrogacy agreements remain “self-written,” which significantly increases the risk of violating the rights of programme participants, since the rights and obligations of the surrogate mother, genetic parents, and medical institutions are not defined by law. The practice of including provisions in contracts whereby parents waive any claims against the institution, which contradicts Article 3 of the Civil Procedure Code of Ukraine (2005), creates a conflict between medical practice and the civil rights of the parties. At a conceptual level, this situation illustrates

the underdevelopment of the legal framework regarding the technological capabilities of medicine, which jeopardises the principles of legal certainty, protection of dignity and freedom of expression of the programme participants.

Forced surrogacy considered a background phenomenon of human trafficking or exploitation. In low-income countries, some women are forced to become surrogate mothers because of poverty. In particular, in countries such as India, Ukraine and Georgia, where commercial surrogacy is permitted or poorly regulated, the economic vulnerability of women from rural or poor regions increases the risk of exploitation (GestLife Surrogacy, 2024). In India, there have been reports of illegal clinics operating without proper registration and exploiting women who have no alternative means of earning a living. According to media reports, these women are not given full information about the medical risks and terms of the agreements (Times of India, 2023).

In such cases, this may constitute coercion, as women have no other means of earning a living, and often in such situations their rights are not adequately protected. The absence of clear legal regulations or their violation means that surrogate mothers do not always have access to legal support and may be subject to manipulation or deception. For example, in the United Kingdom, where commercial surrogacy is prohibited but altruistic surrogacy is permitted, the right to informed consent and protection is strictly controlled, which reduces the risk of coercion (BBC News, 2014). Cases of failure to inform about all risks are most common in countries with weak regulation and low levels of healthcare, where surrogate mothers are often economically dependent. In some cases, forced surrogacy may be used as part of military strategies or ethnic cleansing. However, it should be noted that there are currently no documented cases where surrogacy has been officially used as a tool of ethnic cleansing or military strategy. This is more of a theoretical risk that is being discussed by human rights activists and scholars. At the same time, during wars or conflicts, women may be used to reproduce the offspring of a particular ethnic group. This may include forced conception leading to forced surrogacy. Such cases can be considered human rights violations and war crimes. However, to date, such cases remain poorly documented. In countries where surrogacy is prohibited or not properly regulated, cases of illegal forced surrogacy may occur. For example, in France, Germany and Italy, commercial surrogacy is prohibited by law, but there are often cases of "reproductive tourism" and illegal agreements via the internet, where women may be coerced or deceived (Gateway Surrogacy, 2024). For example, women are forced to become surrogate mothers without proper legal protection or consent on their part, which leads to serious violations of their rights. In countries where commercial surrogacy is permitted (Ukraine, Georgia), the price of services can range from €40,000 to €70,000, making this business profitable, but not always guaranteeing the protection of surrogate mothers' rights (GestLife Surrogacy, 2024).

Forced surrogacy is a highly controversial and ethical issue that has serious consequences for the surrogate mothers themselves, for the children born as a result of this process, and for society as a whole. Among the serious consequences, it is worth highlighting legal and ethical issues (violation of women's right to autonomy over their bodies, uncertainty of the outcome of possible legal disputes over paternity, the low cost of such services, which is often a consequence of economic coercion and the vulnerable position of women who are forced to agree to participate in surrogacy programmes not of their own free will, but due to the lack of decent alternatives to meet their basic needs); physical and psychological consequences (physiological complications due to pregnancy and childbirth, infections, physical injuries, future reproductive problems, depression, anxiety, post-traumatic stress disorder, feelings of guilt, emotional attachment to the child); social isolation and stigmatisation of women (the low social status of surrogate mothers and their vulnerability increases the risk of exploitation); possible legal and social uncertainty for children; ethical issues (commercialisation of women and violation of the principle of voluntariness).

Forced surrogacy should be considered not only as a background phenomenon of human trafficking, but also as a form of it, which often goes unnoticed due to the legalised outer shell of this process. Formal contracts and consent may conceal elements of coercion caused by deep socio-economic inequalities, gender discrimination, insufficient legal awareness and lack of state oversight (Abdullah, 2019; Hyder-Rahman, 2021). Thus, a woman may find herself in a situation where her "consent" is more of a forced compromise between survival and a lack of real opportunities.

This type of exploitation is particularly dangerous because it is difficult to detect and prove, as it is often formalised with the consent of both parties, which in practice may be the result of pressure, blackmail, economic dependence or deception (Dutch National Rapporteur, 2012). In such cases, surrogacy can be used as a tool to control a woman's body, which directly contradicts the principles of human rights protection (CEDAW, 1979; Palermo Protocol, 2000).

In addition, participation in international surrogacy programmes without proper control creates conditions for illegal schemes involving elements of human trafficking. In 2021, law enforcement agencies in Ukraine uncovered a large-scale scheme involving the trafficking of newborns, in which a clinic organised fictitious marriages between surrogate mothers and foreigners, and the newborns were "handed over" for a fee of up to $70,000 (Ukrinform, 2021). Brokers, clinics, and agencies operating in the "grey area" of the law may prioritise profit over the safety and dignity of the women they recruit. In such cases, international human rights standards are often violated, in particular the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol, 2000).

Another important aspect linking forced surrogacy to human trafficking is the transnational nature of these processes. International surrogacy programmes, in which women from low-income countries carry children for foreign citizens, create an asymmetry of power and resources (Hyder-Rahman, 2021; ESHRE, 2025). In such cases, the surrogate mother often has no opportunity to fully influence the course of the agreement or protect her rights in the event of a breach of the terms. The report of the Dutch National Rapporteur states that in many cases, "persons other than the woman carrying the child, such as intermediaries or the husband, benefit from surrogacy, while the financial and medical risks are borne by the surrogate mother herself" (Dutch National Rapporteur, 2012).

The problem is further complicated by the fact that the existence of a legal contract does not always guarantee

voluntariness. Coercion can take both direct forms (threats, withholding of documents, restriction of freedom) and indirect forms (manipulation, misinformation about medical consequences, lack of access to independent legal assistance, etc.) (Abdullah, 2019). In both cases, it involves the exploitation of women, which has all the characteristics of human trafficking as defined in the Palermo Protocol (2000).

In light of this, particular attention should be paid to strengthening international control over the activities of surrogacy agencies, introducing clear mechanisms to protect the rights of women participating in surrogacy programmes, and creating independent institutions capable of monitoring and recording cases of coercion (Eurojust, 2024). It is also important to ensure an adequate level of education and awareness among potential surrogate mothers in order to minimise the risks of manipulation and economic exploitation. Forced surrogacy is a multifaceted phenomenon that requires a comprehensive approach, taking into account legal, social, ethical and psychological aspects. It should be recognised as part of the global problem of human trafficking, rather than remaining in the shadows of regulatory uncertainty and economic inequality.

International analysis on the use of forced surrogacy. There are international mechanisms aimed at combating forced surrogacy, in particular through laws against the exploitation of women, human trafficking and sexual violence. The UN and many human rights organisations are working to protect women in such situations. One important step is to establish international standards to regulate surrogacy in order to prevent its use as a tool for exploitation.

In countries where surrogacy is legal, it is important to establish clear rules to ensure that it remains voluntary and ethical, providing adequate legal protection for all parties involved in the process. The International Criminal Court (ICC) recognises sexual violence, including forced pregnancy, as a war crime and a crime against humanity. In particular, in the case of Prosecutor v. Ongwen (2023), the Appeals Chamber of the ICC confirmed that forced pregnancy can qualify as a separate international crime, rather than merely a form of rape or sexual slavery (American University Washington College of Law, 2022). In the cases of Rwanda and Bosnia, trials were held and those responsible were brought to justice. In the case of Prosecutor v. Jean-Paul Akayesu, the International Criminal Tribunal for Rwanda (ICTR) recognised rape and other forms of sexual violence not only as crimes against humanity, but also as elements of genocide if committed with the relevant intent (International Justice Resource Centre, 2025a). A similar practice was observed in the International Criminal Tribunal for the former Yugoslavia (ICTY). In the Kunarac, Kovač, Vuković trial, the tribunal for the first time classified sexual enslavement as a separate crime against humanity, which included the systematic rape of women and girls during the conflict in Bosnia (International Justice Resource Centre, 2025b).

The experience of European Union countries in regulating surrogacy is viewed in two ways: either a complete ban or partial permission for its use. The dual or even completely opposite attitude, compared to Ukraine, to the issue of legal regulation of surrogacy in international legal acts of European states creates certain loopholes for criminal intentions when using this method of assisted reproductive technology.

In European Union countries, issues related to the use of surrogacy as a method for obtaining a genetic child and establishing paternity and maternity are regulated at the level of their national legislation, which often leads to conflicts and lengthy court proceedings and debates. It should be noted that all this is due to the fact that such surrogacy relationships usually involve citizens of different countries, stateless persons, citizens of third countries, etc.

Many aspects of surrogacy remain unregulated, which encourages its illegal use, including forced surrogacy. Along with this, there is a significant scientific and social debate about the legal use of this reproductive method, as well as the legal status of children born abroad in this way (since most countries still do not have clear legislation on their registration and recognition of paternity). Proponents of surrogacy argue that, with clear legal regulation, this reproductive method can be a safe and ethically acceptable form of assistance for childless couples or single people (Andala, 2023). Legislative safeguards protect the rights of all parties (biological parents, surrogate mother and child), reduce the risks of exploitation, and prevent legal conflicts and abuse (Humanium, n.d.; UNICEF & ISS, 2021). In addition, surrogacy can be an opportunity for many families to have a genetically related child (UNICEF & ISS, 2021).

Critics of surrogacy emphasise the high risks of exploitation of women, especially vulnerable social groups, and the danger of commercialisation of the human body (China Society for Human Rights Studies, 2025; Insights Medical Tourism, n.d.). They believe that this process can turn into a form of reproductive slavery and also creates complex legal situations for children born in international programmes (Rajan, 2017). From a moral and ethical point of view, surrogacy is seen as an artificial intervention in the natural and spiritual essence of motherhood (Insights Medical Tourism, n.d.).

The International Coalition to Abolish Surrogacy (CIAMA-ICASM) and the European Network of Migrant Women (ENoMW) report on the existence of practices that constitute human trafficking, particularly of women, for the purpose of exploitation in the reproductive industry. The situations they describe are fundamentally incompatible with human dignity and equality between women and men, as they involve the exploitation of women's bodies. These organisations have conducted research into cases where women are forced to perform these roles in countries other than their country of origin or in the interests of foreign individuals. The aim of the survey and their research was to uncover these shameful facts, as well as to inform and raise awareness among states, competent authorities and partner organisations about how these cases and negative practices can arise in conditions of war and migration (voluntary and forced), and, most importantly, that they (these practices of exploitation) pose a threat to the fundamental rights and dignity of women. The ENoMW and CIAMS-ICASM study covered 72 countries through expert and media monitoring, and the survey was sent to government structures in 115 countries and the EU, as well as to 2,613 individuals and 288 organisations in 37 countries. Sixty-one questionnaires were returned, of which five individuals and six organisations reported known cases of surrogacy involving migrant women; six respondents also reported practices of forced pregnancy and three reported egg donation. In addition, 7 organisations and 1 individual confirmed that such cases had occurred in their country. A total of 46 cases were documented through open sources (media, academic

research, etc.) and another 8 through questionnaires (European Network of Migrant..., 2022).

The main negative international practices of exploiting women through surrogacy are highlighted below. First and foremost is the exploitation of migrant women for reproductive purposes (egg harvesting, forced pregnancy, forced surrogacy). Next is the organisation of a network for trafficking women for the purpose of making them surrogate mothers against their will (including even the forced transfer of women from their country of origin to another country to carry a pregnancy, forced pregnancy). It also includes the transfer of surrogate mothers for the purpose of giving birth in a country other than their country of origin, in other words, for the convenience of the client (the buyers of the child) or to avoid the legality of such actions (for example, so that the child is born in the country of the client, thus facilitating the legal formalisation of parenthood or even "circumventing" the law).

The exploitation of women in the context of surrogacy, particularly migrant women, violates key norms of international law, including the Protocol to the United Nations Convention against Transnational Organised Crime (Palermo Protocol), which prohibits trafficking in persons for any purpose, including forced use in the reproductive sphere. Such actions also violate articles of CEDAW (1979), which obliges states to protect women from violence, exploitation and coercion, ensuring their autonomy and equality in the medical sphere. In addition, forced surrogacy may violate the prohibition of inhuman and degrading treatment provided for in the International Covenant on Civil and Political Rights (1966).

States are obliged to take preventive measures that include criminalising human trafficking in the form of forced surrogacy, regulating medical services and agencies, and ensuring the protection of victims, particularly migrant women who may not have access to legal assistance. It is important to implement informed consent procedures that comply with international law standards and to establish mechanisms for identifying and supporting victims of human trafficking. International cooperation is necessary to investigate transnational networks and ensure justice, as well as to resolve issues related to citizenship and recognition of parenthood in accordance with the Convention on the Rights of the Child (1989).

The lack of uniform international regulation of surrogacy and discrepancies in national legislation create conditions for abuse and human rights violations. This leads to legal conflicts, especially in cases where surrogate mothers are moved between countries to facilitate the registration of paternity or to circumvent national prohibitions, which is contrary to the principles of protecting the rights of the child and preventing child trafficking. Thus, a comprehensive combination of criminal prosecution, social protection of victims and strict regulation of medical practices is necessary to effectively combat such violations and ensure compliance with international human rights standards.

Conclusions

The article examines the phenomenon of forced surrogacy as a background phenomenon of human trafficking, which in modern conditions poses a serious threat to the rights and freedoms of women. The aim of the study was to clarify the legal nature, causes and consequences of this phenomenon, as well as to analyse its manifestations in the context of international and national legal regulation. Despite certain limitations, in particular the lack of official statistics and open court decisions on the classification of forced surrogacy as a form of exploitation, the set goal was achieved.

It was found that forced surrogacy is complex and interdisciplinary in nature, combining legal, ethical, social and medical aspects. An analysis of the legislation helped to establish that Ukraine lacks a clear definition of the terms "surrogacy" and "forced surrogacy," which creates conditions for abuse and unscrupulous practices. The results of the study showed that the current regulatory framework does not provide an adequate level of protection for women participating in surrogacy programmes, especially in conditions of social instability and martial law.

The analysis revealed direct and indirect links between the practice of forced surrogacy and human trafficking. It was argued that, in essence, coercion to carry a child in the interests of third parties can be considered a form of exploitation that violates fundamental human rights. These data indicate the need to improve the legal mechanism for controlling the activities of medical and intermediary institutions, as well as to create a system of social and legal protection for women involved in such programmes.

Summarising the results, it can be noted that the phenomenon of forced surrogacy is not only a manifestation of gender inequality, but also an integral part of the global problem of human trafficking. All of the above suggests that effective counteraction to this phenomenon is only possible with a comprehensive approach that combines legal, ethical, social and educational tools. Conceptually, the above indicates the need to rethink surrogacy as an institution that should be based on the principles of dignity, voluntariness and equal rights for all its participants.

Promising areas for further research in this field include the development of effective models for the legal regulation of reproductive technologies, a comparative analysis of judicial practice in different countries, and research into the impact of international ethical standards on the formation of national policy in the field of preventing the exploitation of women.

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Примусове сурогатне материнство як фонове явище торгівлі людьми

Олена Савайда
Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0003-2035-2604
Уляна Цмоць
Старший науковий співробітник
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0002-8423-8272

Анотація. У статті розглянуто примусове сурогатне материнство як латентний прояв торгівлі людьми, що становить загрозу для демократичних та правових засад суспільства, особливо в умовах збройних конфліктів, що зумовлює актуальність дослідження. Метою роботи було з'ясування правової природи, причин і наслідків примусового сурогатного материнства як форми експлуатації та формування етичних і правових орієнтирів для запобігання цьому явищу. Методологія ґрунтувалась на застосуванні формально-юридичного, порівняльно-правового, проблемного, системно-структурного, логіко-юридичного методів та методу узагальнення, що дозволило комплексно проаналізувати нормативні акти, підходи різних країн і ключові суперечності у сфері репродуктивних практик. У ході дослідження встановлено, що примусове сурогатне материнство, попри формальну подібність до легальної медичної послуги, фактично містить ознаки експлуатації та може кваліфікуватися як форма торгівлі людьми відповідно до міжнародного права. Показано, що соціально-економічна нестабільність, недосконаліть регулювання та відсутність ефективного контролю за діяльністю медичних і посередницьких структур створюють підґрунтя для зловживань, комерційного примусу та порушення прав жінок. Проаналізовано міжнародні документи та законодавство України, що дало змогу виявити прогалини в регулюванні, серед яких відсутність чіткої правової дефініції, єдиних стандартів захисту жінок і дієвих механізмів державного контролю. Запропоновано етичні та правові орієнтири, спрямовані на мінімізацію ризиків експлуатації через зміцнення гарантій гідності, рівності та посилення міжнародної співпраці у сфері протидії торгівлі людьми. Практичне значення отриманих результатів полягає у можливості використання сформульованих рекомендацій для вдосконалення національної та міжнародної політики у сфері репродуктивних технологій і захисту прав жінок

Ключові слова: експлуатація; права людини; жертва; порушення прав жінок; насилля; примус

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The impact of socio-legal factors on the digitisation of the educational process in higher education institutions with specific learning conditions

Ruslan Strotskyy
PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0009-0003-2702-8804

Nataliia Parasiuk
PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0002-7489-9181

Vasyl Parasiuk*
PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0002-8195-7597

Yuliia Lisitsyna
PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0001-5631-9297

Oksana Onyshko
PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0002-5165-1810

Abstract. The relevance of the topic is due to the fact that the digitisation of higher education in Ukraine, especially in institutions with specific learning conditions, has become critical in the context of martial law. The aim of the study was to assess the digitisation of the educational process and determine the impact of socio-legal factors and macroeconomic conditions. Higher education institutions in Ukraine with a special operating regime were studied. The multiple linear regression method was used, which allowed explaining 85% of the variation in the index in 2019-2023. To achieve this aim, a generalised educational digitalisation index was constructed, the initial indicators were normalised, and the relationship between the index and the level of digital literacy, regulatory and legal awareness, income and unemployment of the population was investigated. It was proven that full-scale war accelerated the need for sustainable digitalisation of higher education institutions with specific learning conditions, while exacerbating socio-legal challenges. The results confirmed the importance of developing professional-communicative, gaming and civic digital competences, while demonstrating the critical role of the legal component in security education. The results showed that the growth of digital and legal literacy and well-being correlates positively with the speed of digitalisation, while the economic shocks of the war period hold it back. The data obtained prove the resilience of the Ukrainian higher education system in crisis conditions and

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*Corresponding author

outline the priorities for post-war investment in secure IT infrastructure and staff training. The results of the study can be used in the activities of higher education institutions and other institutions that provide educational services

Keywords: digitalisation; higher education; higher education institutions; socio-legal factors; martial law; regression analysis; artificial intelligence

Introduction

The digitisation of higher education is rapidly and, most importantly, significantly transforming the pedagogical, technological and legal foundations of learning. At the same time, the intensive introduction of distance learning platforms, artificial intelligence and virtual environments has exacerbated the problem of e-learning quality, the need for unified interoperability models, the improvement of administrative and legal mechanisms, and the protection of the cyberspace of higher education institutions. A significant number of social and legal problems arise. It is against the backdrop of these changes that issues of socio-legal factors of digitalisation, pedagogical effectiveness of innovative tools and security become crucial (Bani-Meqdad *et al.*, 2024). At the same time, the issue of socio-legal factors is becoming crucial precisely because digital technologies are no longer auxiliary services, but have become an environment in which specialists are trained, knowledge is monitored, information is exchanged, and the educational process is managed, especially in higher education institutions with specific learning conditions, where the educational process is carried out in conditions of limited access, increased requirements for discipline, legal responsibility and data security, and often in conditions of martial law and relocation of staff and students.

An in-depth and critical analysis of the available literature on the research topic was conducted. Thus, the metaphysical understanding of education as a linguistic practice, carried out by M. Al-Maagbeh *et al.* (2024), demonstrates a transition from classical managerialism to regulation focused on the application of artificial intelligence in various areas of scientific and practical activity, including the educational process. Although the context is somewhat different, the authors clearly emphasise the need to update legal acts and ethical standards. This is relevant for Ukrainian higher education institutions when introducing AI-based systems, especially in the context of specific learning conditions. S. Rzhechytska (2022) explored the advantages and disadvantages of the online format for higher education institutions with specific learning conditions. The author concluded that, on the one hand, there is a clear expansion of international cooperation and access to global master classes, but on the other hand, there are real difficulties with the practical component and authentic feedback during studio classes. This may indicate that digital platforms need to adapt to specific learning conditions. V. Milićević *et al.* (2021) used the Delphi method with 68 experts and scenario planning to develop three scenarios for the development of e-learning by 2030. Within the scope of the work, political will, cybersecurity, and financial incentives were identified as key drivers of the process under study.

The study by H. Dei *et al.* (2024) reveals the legal risks and gaps in the regulatory framework for cybersecurity in Ukrainian higher education institutions. The authors propose a model of interagency coordination in which the key structures are the Ministry of Education and Science (MES), the State Special Communications Service, and the National Security Council. The aim of the model is to respond to attacks and create backup data centres. Interagency coordination is extremely important in the digitisation of the educational process, especially when there are specific learning conditions.

Z. Zahynei-Zabolotenko *et al.* (2023), Y. Bahno and O. Serhiichuk (2024) and H. Alieksieieva (2024) considered teacher education as an element of the state's social function in a digital society and focused on the relationship between digital tools for training teachers and legal guarantees of access to quality education. Yu. Tryus *et al.* (2020), A. Haleem *et al.* (2022) and V. Fazan *et al.* (2023) explored the role of digital technologies in the transformation of education and showed that the intensive digitisation of the learning process enhances the personalisation of learning, develops interactive formats, supports flexible models of access to knowledge, and changes the very pedagogical interaction between lecturer and learner. In their conclusions, the authors emphasised that digital solutions are becoming a key factor in maintaining the continuity of learning in times of crisis, but at the same time require new competencies from teaching staff, as well as reliable cybersecurity and data protection mechanisms. V. Bobrytska (2022) showed that there is a steady demand in educational circles for the digitisation of general secondary education. S. Bondarenko *et al.* (2022) studied the legal mechanisms of information security in the context of the digitalisation of social processes and argued that the digital educational environment cannot be viewed solely as a technical system; it must have formalised regimes for legal protection of information, access management, responsibility for violations of data circulation rules, and response to cyber incidents. At the same time, summarising the literature review, it should be noted that researchers have overlooked the specifics of higher education institutions with specific learning conditions. It is the lack of quantitative assessment of the impact of socio-legal factors and external economic shocks that forms the scientific niche that this study fills.

The aim of the study was to assess the impact of socio-legal factors on the digitisation of the educational process in higher education institutions with specific learning conditions. Thus, the main objectives for achieving the set aim were to construct an integrated educational index, analyse the dynamics of digitalisation in 2019-2023, and apply a regression approach to quantitatively test the relationships between digital practices, legal awareness, economic factors, and the sustainability of educational infrastructure.

Materials and methods

At the initial stage, the expert analysis method was used. The expert analysis method was used for the substantive selection of indicators and verification of their relevance to specific learning conditions. Experts helped to filter out redundant indicators, agree on definitions, and confirm the use of equilibrium weights in the integral index. As a result, four educational indicators were selected from the array of official statistics and internal reporting of higher education institutions: (1) the share of higher education institutions with

specific learning conditions that use information and communication technologies; (2) the share of higher education institutions with specific learning conditions that use artificial intelligence-based systems; (3) the average level of digital competence in higher education institutions with specific learning conditions; (4) the average salary in higher education institutions with specific learning conditions) and four macro indicators (the level of digital literacy of the population; the level of regulatory and legal literacy of the population; the level of unemployment; the income of the population). Thus, a number of experts were involved, including 40 specialists, as well as 18 representatives of digital development departments of higher education institutions, 12 researchers in the field of higher education development, 6 cybersecurity specialists, and 4 lawyers. The surveys were conducted online in two rounds using Google forms. The survey was conducted from February to April 2025. It should be noted that after providing consolidated feedback, the participants adjusted their own assessments until a consensus was reached.

Taken together, the indicators most fully reveal the problem of the digitalisation of the educational process and external socio-legal conditions. To compare the scale and units of measurement of different indicators, a linear min-max transformation was used (1):

$$\text{Nij} = \frac{Hij - min\{Hi\}}{max\{Hi\} - min\{Hi\}}, \quad (1)$$

where Nij is the normalised value of indicator (*j*) in year *i*, *Hij* is the actual value of indicator *j* in year *i*; *min(Hj)* is the minimum value of indicator *j* for the selected period; max(*Hj*) is the maximum value of indicator j for the period. This allowed all values to be converted to a single normalised measurement. The normalised values are reduced to a single aggregate indicator using a simple equilibrium additive model (2):

$$\text{I(t)} = \frac{1}{m}\sum_{i=1}^{m} Ni(t), \quad (2)$$

where *Nj(t)* is the normalised value of the j-th indicator in year *t*. In this case, *m* is 4, since four educational indicators were selected. For the initial study of interrelationships, "factor-index" correlation diagrams and the simplest method of least squares were used to construct a trend line. Next, the direct assessment of the impact of external factors was carried out using the model (3):

$$I_{Dt} = \beta_0 + \beta_1 w_1 + \beta_2 w_2 + \cdots + \beta_{kwk} + \varepsilon, \quad (3)$$

where I_{Dt} is the integral educational index in year *t*; w_k are macro indicators; β_0 is the intercept; β_1, β_2, β_3 are the sensitivity coefficients of the index to the corresponding factors; ε_t is a random error. The combination of min-max normalisation, equilibrium integral index and multiple linear regression ensures the reproducibility of calculations and internal consistency of assessment. A two-stage expert selection of indicators followed by coordination of assessments increased the content validity of the results for higher education institutions with specific learning conditions.

Results

Higher education in Ukraine is a very complex system that is significantly dependent on socio-legal factors and changes in the external environment as a whole. At the same time, in recent years, it has also been undergoing an active digital transformation, which is enshrined at the state level by regulatory and legal acts. The basic Law of Ukraine No. 2145-VIII "On Education" (2017) and Law of Ukraine No. 1556-VII "On Higher Education" (2014) contain provisions on the use of information and communication technologies in the educational process. In addition, the Government has identified priority areas for the digitalisation of education, in particular in Order of the Cabinet of Ministers of Ukraine No. 365-p "Some Issues of Digital Transformation" (2021), which includes a list of key tasks for the digital development of education and science. Particular attention is paid to distance learning. First the COVID-19 pandemic and then the full-scale armed invasion together required radical action at the state level. Thus, even before the war, in 2019-2021, the Regulations on Distance Learning were updated and electronic platforms for education were introduced. In the context of the COVID-19 pandemic in 2020, the Ministry of Education and Science proposed, within the framework of the Concept of Digital Transformation of Education and Science (2021-2026) (2021), a mass transition to online learning, emphasising the creation of a unified digital educational environment.

After the start of full-scale war, the regulatory framework was quickly adapted to the conditions of martial law. In March 2022, a number of decisions were adopted. Thus, Order of the Ministry of Education and Science No. 235 "On Some Issues of Organising the Work of Institutions of Professional Pre-Higher and Higher Education During Martial Law" (2022) obliged higher education institutions (including those with special learning conditions) to ensure the evacuation and safety of participants in the educational process, as well as the use of available electronic resources to resume learning in distance or blended forms. In other words, full-scale war has effectively forced educational institutions to make maximum use of digital technologies to continue learning even in the absence of traditional infrastructure. By the beginning of 2023, a basic regulatory framework for the digitalisation of higher education had already been established, even under emergency conditions. The authorities and educational institutions were given the tools to ensure the continuity of education through digital solutions. Of course, higher education institutions with specific learning conditions require special attention. For this reason, this article assesses the digitisation of the educational process in such institutions over the last five years.

To determine the level of digitisation of the educational process, four key indicators were selected together with experts for the last five years, which characterise the implementation of digital technologies in higher education institutions in Ukraine with specific learning conditions. It should be noted that the experts chose four indicators precisely because they reflect four different aspects of the digitalisation of the educational process, which together characterise not only the availability of technology or programmes, but the real ability of the institution to maintain the quality of education in conditions of security restrictions, martial law and staff losses, which is directly indicated as the key context for the functioning of higher education institutions with specific learning conditions. For example, the indicator of average salary in higher education institutions with specific learning conditions was included not to describe general well-being, but as an indicator of institutional capacity to support

and retain qualified staff, invest time in developing digital content, and maintain the stability of teaching teams in a long-term crisis. At the same time, experts allow the main aspects of digitalisation itself to be reflected. These include educational content, access for applicants, staff competence and resource provision. Table 1 shows that all indicators had a steady upward trend until 2021 (with particularly sharp progress in 2020-2021 due to the widespread introduction of distance learning during the pandemic). Since the selected indicators have different units of measurement and scales, they were brought to a comparable scale by normalising the data before the integrated assessment (Table 2).

Table 1. Initial data for modelling

Macro level (M1-M4)					
Selected indicators for modelling	**2019**	**2020**	**2021**	**2022**	**2023**
Level of digital literacy of the population, %	24.9	31.2	39.7	44.2	56.7
Level of legal and regulatory literacy of the population, %	28.5	33.6	45.1	51.2	62.9
Unemployment rate, %	9.2	9.5	10.2	21.1	17.4
Household income, UAH billion	3,248.7	3,744.4	4,045.1	4,863.5	5,257.1
Educational level (H1-H4)					
Selected indicators for modelling	**2019**	**2020**	**2021**	**2022**	**2023**
Share of higher education institutions with specific learning conditions that apply information and communication technologies, %	76.7	82.6	88.2	95.3	99.1
Share of higher education institutions with specific learning conditions that use artificial intelligence–based systems, %	2.3	11.4	14.2	31.9	43.3
Average level of digital competence in higher education institutions with specific learning conditions, [0-1]	0.3	0.4	0.5	0.6	0.7
Average salary in higher education institutions with specific learning conditions, thousand UAH	10.5	14.1	14.3	14.9	17.5

Source: compiled by the authors based on data from the State Statistics Service of Ukraine (2023) and the results of expert analysis

Table 2. Normalised values of indicators of the level of digitalisation of the educational process in higher education institutions with specific learning conditions

Educational level (H1–H4)					
Selected indicators for modelling	**2019**	**2020**	**2021**	**2022**	**2023**
Share of higher education institutions with specific learning conditions that apply information and communication technologies, %	0	0.263	0.513	0.83	1
Share of higher education institutions with specific learning conditions that use artificial intelligence-based systems, %	0	0.222	0.29	0.722	1
Average level of digital competence in higher education institutions with specific learning conditions, [0-1]	0	0.025	0.5	0.75	1
Average salary in higher education institutions with specific learning conditions, thousand UAH	0	0.514	0.543	0.629	1

Source: compiled by the authors

Next, based on the normalised data, the integral educational index of the digitisation of the educational process in higher education institutions with specific learning conditions was calculated for each year. The values obtained show a steady and virtually continuous increase in the level of digitisation throughout the period 2019-2023. Thus, in 2019, the index was at its lowest level. However, in 2020 and 2021, accelerated growth was observed, reflecting the widespread introduction of distance learning formats under the influence of the COVID-19 pandemic, as well as active investments by universities in digital infrastructure and the development of basic digital competencies among lecturers. In 2022, the index rose despite the destruction of material resources, the evacuation of staff and students, and security threats. This shows that martial law did not stop digitalisation but, on the contrary, made it a critically necessary mechanism for maintaining the continuity of the educational process in institutions with specific learning conditions. In 2023, the index reached its maximum value, which means the highest concentration of digital practices using artificial intelligence-based systems in five years, growth in the digital competence of staff, and the ability of institutions to retain qualified personnel and maintain the functioning of a secure educational infrastructure. Thus, 2022 is not a failed period of digitalisation, but rather a year of rapid acceleration in the transition to sustainable digital solutions, while 2023 marks the peak of adaptation and stabilisation of the education system under martial law, as reflected in Figure 1.

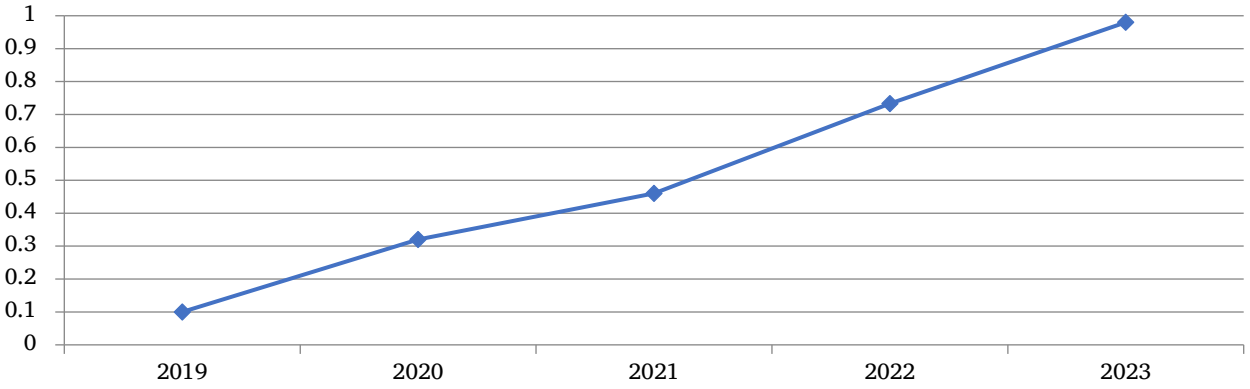

Figure 1. Dynamics of changes in the integral educational index of digitisation of the educational process in higher education institutions with specific learning conditions for 2019-2023
Source: compiled by the authors

Naturally, given all the conditions, the index gradually increases, which indicates a gradual recovery of the digital potential of education even under the conditions of an ongoing state of martial law. This has been facilitated by the adaptation of institutions and support from the state itself and other stakeholders. Next, evaluate how changes in the external environment, i.e., social and legal conditions, may be related to the level of digitalisation of the educational process in higher education institutions with specific learning conditions. The further regression model based on only three factors, namely digital literacy, regulatory literacy, and income. The unemployment rate was excluded. The reason is that in 2022-2023, sharp changes in unemployment practically repeat the impact of the general economic shock, which is already reflected in household income. In addition, only 5 annual observations from 2019 to 2023 were used. This time horizon is not arbitrary. Firstly, it was during these years that two systemic crises occurred in succession. These were the COVID-19 pandemic, which forced higher education institutions to switch to remote formats in 2020-2021, and the full-scale war, which shifted part of the educational process to emergency digital provision. Secondly, it is only since 2019 that comparable official data has been available on the use of information and communication technologies, artificial intelligence-based systems, digital competence of staff and salaries in higher education institutions with specific learning conditions. For earlier years, these indicators were either not measured in a consistent format or did not cover such institutions separately. Thus, it is the five-year sample that allows to track the period when digitalisation ceased to be an auxiliary tool and became a condition for the survival of the educational process in institutions with specific learning conditions. At the same time, such a sample is statistically very small for classical econometric analysis. Thus, the level of digital literacy of the population, the level of legal literacy of the population, and the household income all show a clear upward trend over time, as they simultaneously reflect the growth of society's ability to work in a digital environment, the accumulation of legal awareness in the field of access to information and data protection, and the resource capacity of families and employees (Table 3).

Table 3. Results of the regression model of the dependence of the educational index of digitisation of the educational process on macrofactors of socio-legal significance (M1-M3)

Independent variable	Intercept	Coefficient of the variable	Standard error of the coefficient	t-statistic of the coefficient	p-value of the coefficient	R^2
Level of digital literacy among the population	-0.715	0.03092	0.00312	9.91	0.102	0.87
Level of legal literacy among the population	-0.712	0.02741	0.00304	8.99	0.202	0.86
Household income	-1.465	0.00046	0.00003	13.24	0.209	0.88

Source: compiled by the authors

Thus, the values of the coefficients reflect the strength and direction of influence (minus indicates a negative influence, plus indicates a positive influence) of the respective factors on the integral educational index of digitisation of the educational process in higher education institutions with specific learning conditions. Statistical significance was assessed using Student's t-test in accordance with the selected methodology. A high coefficient of determination confirms the explanatory power of the model.

Table 3 shows that the coefficient is positive for each individual factor. This means that the growth of the factor goes in the same direction as the growth of the integral educational index of digitisation. In other words, in the years when the digital literacy of the population was higher, the integral index of digitisation of institutions with specific learning conditions was also higher. The same is observed for the regulatory and legal literacy of the population and for the household income. It should be noted that in this case, only 5 annual expert observations for the period 2019-2023 and three independent variables were studied. The coefficients are sensitive to any change in the initial data, the standard errors are large, and the t-statistics and p-levels do

not give grounds to assert the proven existence of a causal effect. All p levels do not exceed 0.30, i.e. the probability that the observed effect is random noise is less than 30% for each factor (Fig. 2).

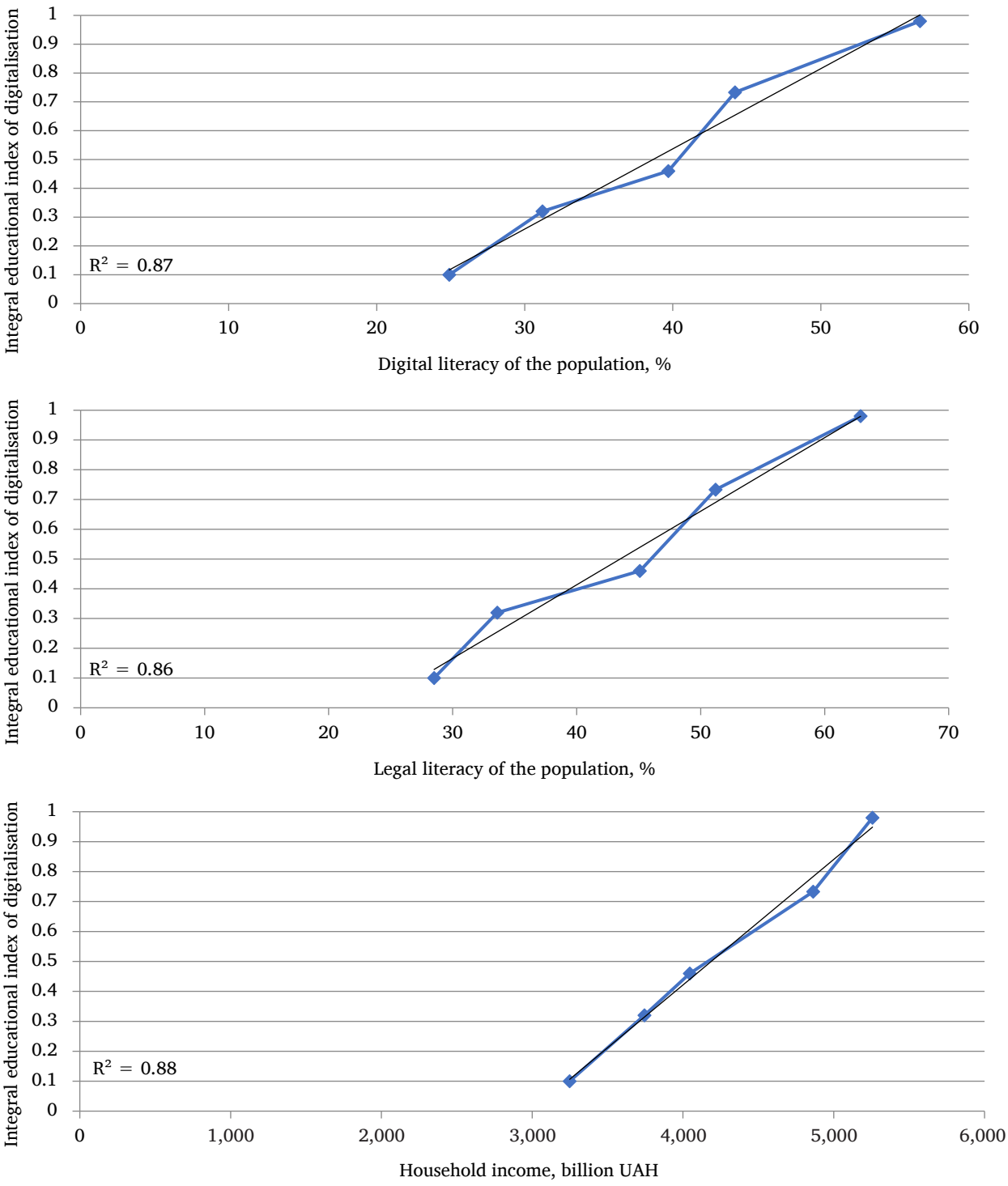

Figure 2. Relationship between the integral educational index of digitisation of the educational process in higher education institutions and macrofactors of a socio-legal nature

Source: compiled by the authors

Based on the analysis conducted, it is appropriate to formulate specific regulatory proposals and practical guidelines for higher education institutions with specific learning conditions. Firstly, at the legislative level, mandatory digital and legal training for all academic and teaching staff should be established as an element of professional development. For institutions with specific learning conditions, this is critical, as their staff work with restricted information, military

data, and official service data; a legal error by a lecturer or an e-learning platform administrator could result in a leak of official information or a violation of students' rights.

Another area concerns the security of the digital educational environment. Article 16 of Law of Ukraine No. 1556-VII "On Higher Education" (2014), through its requirements for the higher education quality assurance system, imposes an obligation on higher education institutions to ensure the availability of information systems for the effective management of the educational process, as well as the professional development of employees and the provision of resources for the educational process. For institutions with specific learning conditions, this is not enough, as such institutions process confidential personal and official data, including data on cadets and law enforcement personnel, defence research materials and training results. Thus, it is proposed to supplement Article 16 with a direct requirement for higher education institutions with specific learning conditions to implement and regularly audit information security and cyber protection policies based on the ISO/IEC 27001:2022 (2022) information security management standard, with a clear distinction between the access of lecturers, cadets and technical staff to internal educational platforms. This clarification should provide a legislative basis for internal regulations on the storage of official information, logging of access to educational databases, response to cyber incidents and disciplinary responsibility for violations of digital security in the learning process.

The continuity of the educational process in crisis conditions should be ensured at the level of law. Order of the Ministry of Education and Science No. 235 (2022) obliged heads of higher education institutions to ensure the protection of participants in the educational process, organise evacuation if necessary, create opportunities for receiving evacuated students and teachers, and confirm the availability of electronic educational platforms, learning management systems, server capacities and the possibility of continuing education in a blended or distance format. This document set a precedent for crisis management in education, but it works as a temporary order. For institutions with specific learning conditions, which often have mobilisation tasks and cannot stop training personnel even during martial law, it is advisable to include a separate provision on digital resilience and a plan for the continuity of the educational process in the Law of Ukraine "On Higher Education". Such a provision should oblige institutions to maintain backup secure servers, duplicate educational content, secure remote access channels, online identification procedures for students and lecturers, and mechanisms for quickly transferring training to a remote or blended format without loss of quality. This would elevate the temporary requirements of Order of the Ministry of Education and Science No. 235 (2022) to the status of a permanent obligation and would establish that digital infrastructure is not auxiliary, but rather an element of national security in the field of security and defence personnel training.

It is necessary to strengthen socio-economic guarantees and incentives for personnel who ensure the digitisation of the educational process in institutions with specific learning conditions. Article 59 of Law of Ukraine No. 1556-VII (2014) guarantees scientific and pedagogical workers appropriate working conditions, professional development, social and pension benefits, and provides for additional payments for academic degrees and titles, with the institution having the right to set higher additional payments from its own revenues. At the same time, the current version does not take into account that the administration of secure electronic learning platforms, cybersecurity support, the lawful handling of personal data of cadets and teachers, and the support of remote formats in high-risk modes are in fact elements of the institution's critical infrastructure. It is proposed to supplement Article 59 with a provision on special additional payments and allowances for employees who perform the functions of managing digital infrastructure and ensuring the information security of the educational process, in particular in institutions with specific learning conditions. This has two objectives. First, it reduces the outflow of such specialists to the private sector and increases the stability of the workforce. Second, it recognises at the legislative level that the quality of digitalisation depends not only on technology, but also on personnel, who must be motivated to remain in the education system.

The problem of legal certainty of data regimes and transparency of internal regulations remains. The concept of digital transformation of education and science defines the accessibility and reliability of data in the field of education and science as a separate strategic goal, as well as the need for transparent and effective services and processes. Thus, Order of the Ministry of Education and Science No. 235 (2022) requires higher education institutions under martial law to ensure the protection of participants in the educational process, including the organisation of safe distance learning and joint administration of the educational process between different institutions, which in fact means the exchange of personal files, journals and educational records between institutions. For institutions with specific learning conditions, such exchange includes data on cadets' military ranks, information on service records and professional training results, which are highly sensitive. Thus, a separate provision should be added to Law of Ukraine No. 1556-VII (2014) should be amended to include a separate provision for institutions with specific learning conditions stating that any transfer of educational data between institutions is only possible subject to documented agreement on the access and protection regime, specifying the responsible official, the retention period for copies and the procedure for deletion after the joint administration of the educational process has been completed. Such a provision should be reflected in the internal regulations of each institution and be subject to external audit, for example during the accreditation of educational programmes, since accreditation is defined by law as a mechanism for assessing the quality of educational activities and a tool for improving the quality of higher education.

Thus, the above-proposed system of measures covers key areas. In particular, from the development of digital and legal competencies and cyber security to interoperability, financing, ethical communication and inclusiveness. The introduction of such socio-legal mechanisms, with clear indicators and defined responsibilities, will create a comprehensive legal framework. It is this framework that will ensure a sustainable, secure and high-quality digital transformation of the educational process in Ukrainian higher education institutions under the specific learning conditions dictated by wartime.

In conclusion, it should be emphasised once again that the war, like the COVID-19 pandemic, will end one day, but digitalisation will not. It is a rapid and constant external

phenomenon that will always influence the educational process and remain relevant even in the most critical circumstances. The Ukrainian higher education system has demonstrated its ability to adapt digitally in a state of martial law, and this experience may serve as a basis for the rapid development of educational technologies in the post-war period. It should be remembered that the most important factors for success will be investment in infrastructure, staff training (digital and legal literacy), and stable regulatory and legal support that takes into account the specifics of a particular higher education institution.

Discussion

The study showed that the digitisation of the educational process in higher education institutions with specific learning conditions is not a local technological modernisation, but rather a systemic condition for maintaining educational activities in a state of constant stress, which combines the effects of the COVID-19 pandemic and martial law. Thus, this result partially aligns with some previous works, but also demonstrates certain discrepancies that need to be explained. For example, G. Griban *et al.* (2022) note that the key condition for effective teaching is not so much formal training in the specialty as the ability of the lecturer to maintain stable communication with students in the digital space, adapt content, provide instant feedback, and maintain educational interaction in conditions of instability. The authors emphasise the importance of combining professional, communicative and digital components in the training system for teaching staff. In this respect, the above results support them, as the integrated educational digitisation index reflects not only the technical availability of platforms, but also the readiness of staff to work consistently in a digital environment. However, this work focuses not only on the lecturer, but on the entire organisation of the institution with its regulatory, security and resource base. This is not always taken into account in studies of pedagogical skills, but it is crucial for institutions with specific learning conditions, where a secure digital channel is also an element of the legal regime of access to information, and not just a pedagogical style of communication. O. Sadovets *et al.* (2025) argue that gamification increases student engagement, makes it easier to maintain attention in a distance learning format, increases motivation and promotes independent student work. The analysis focuses on the student's experience in the digital environment, the ability to maintain learning dynamics through game elements and mechanisms of immediate reinforcement of results. At the same time, within the framework of this study, it is worth supporting the thesis that student motivation mechanisms and pedagogical tools for maintaining attention are important. However, this study measured a different level of the problem. For institutions with specific learning conditions, digitalisation is a prerequisite for maintaining the continuity of the educational process in principle, including disciplinary control, information protection and the legal regime of access. Thus, this analysis expands on the well-known logic of gamification, adding a legal and security dimension, without which recommendations such as making learning more interesting may not be sufficient for this type of institution.

Also, for example, K. Dzhedzhera (2023) focuses on motivational factors for ensuring the quality of education in the context of distance learning in higher education institutions. At the same time, it is necessary to support these conclusions from the perspective of the internal logic of the educational process. This is fully consistent with what was observed in the data obtained on the steady growth of digital competence among staff and the spread of practices using digital platforms and systems based on artificial intelligence. However, the above analysis shows a different picture regarding the source of this stability. Thus, the quality of distance learning in institutions with specific learning conditions is supported not only by the psychological and organisational support of the lecturer. It depends on the existence of legal norms that allow the educational process to continue under martial law, on cyber protection that prevents the leakage of official data, and on the institutional retention of qualified personnel through salaries. A. Al-Abdullatif *et al.* (2020) concluded that without the systematic formation of a legal culture of digital behaviour among students, no technological modernisation of education will be safe. The current study supports this thesis and does not simply repeat it, but confirms with data that the legal component is an integral structural element of digital resilience, not an optional addition. This study showed that the regulatory and legal literacy of the population demonstrates a positive correlation with the integral educational index of digitalisation. For example, a study by D.M. Quinn (2003) analysed the legal risks of introducing educational technologies into the activities of educational institutions and management teams, in particular the issues of access to students' personal data, copyright on educational materials, and the administration's responsibility for the functioning of the virtual educational environment.

A comparison of the results obtained with current scientific approaches revealed both points of intersection, particularly regarding the role of lecturers' digital competence, gamification, and student motivation mechanisms, and significant differences due to the special legal and security status of such institutions. Unlike studies that focus primarily on pedagogical or psychological aspects, the present study demonstrates that digital resilience is formed through the integration of regulatory, organisational, cybersecurity, and human resource components, without which no innovative methods can be effective or secure. Thus, digitalisation is a complex condition for the functioning of the education system in a high-risk environment, and the legal culture of digital behaviour is an integral factor in its stability and security.

Conclusions

In conclusion, it should be emphasised that within the scope of this study, it was possible to construct an integrated educational index of the digitisation of the educational process in higher education institutions with specific learning conditions and to track its dynamics in the period from 2019 to 2023. The index grew throughout the period, starting from very low values in 2019 to almost maximum values in 2023. The growth accelerated initially due to the COVID-19 pandemic, when learning was forced to move online and universities invested in digital infrastructure and digital competencies of staff. Then, in 2022, the index continued to rise despite the destruction of physical infrastructure, the evacuation of staff and students, communication disruptions and other consequences of martial law. This means that even extreme conditions did not stop digitalisation, but made it the only way to maintain the continuity of the educational process in institutions with specific learning conditions. At

the same time, educational institutions with specific learning conditions face additional challenges in the context of digitalisation. These include restrictions on network access for security reasons, the need to protect confidential information, strict discipline and regulations. In wartime, many of them have been relocated or suffered staff losses. Legal aspects are particularly important here, such as compliance with secrecy regimes, cybersecurity, and standards for education during special periods. The Ukrainian higher education system has demonstrated its ability to adapt to digitalisation under martial law, and this experience may serve as a basis for the rapid development of educational technologies in the post-war period. A promising area for further research could be an in-depth analysis of the state of information protection in higher education institutions with specific learning conditions, correlating with their level of digitalisation and legal literacy.

The results obtained allow to conclude that the digital competence and legal literacy of staff should be enshrined in legislation as a mandatory element of professional development for scientific and pedagogical workers in institutions with specific learning conditions. Article 16 of the Law of Ukraine "On Higher Education" should be supplemented with a requirement for such institutions to have and regularly review internal cybersecurity and data management policies with clear access restrictions to educational platforms and documented responsibility for violations of information handling procedures. The provisions of Order No. 235 of the Ministry of Education and Science on the continuity of the educational process during martial law should be translated into a permanent legislative norm on digital resilience. This means having backup secure servers, duplicating educational content, procedures for identifying participants in the online educational process, and being ready to instantly switch to remote or blended formats without losing quality.

A promising area for further research is a comprehensive study of the relationship between the level of digitalisation, legal literacy, and the state of information security in higher education institutions with specific learning conditions, particularly in the legal dimension, with regard to compliance of internal policies with the requirements of martial law, access regimes, cybersecurity, and the regulatory framework for digital resilience.

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Conflict of interest

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Вплив соціально-правових факторів на діджиталізацію освітнього процесу у закладах вищої освіти із специфічними умовами навчання

Руслан Строцький
Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0009-0003-2702-8804

Наталія Парасюк
Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0002-7489-9181

Василь Парасюк
Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0002-8195-7597

Юлія Лісіцина
Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0001-5631-9297

Оксана Онишко
Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0002-5165-1810

Анотація. Актуальність теми зумовлена тим фактом, що цифровізація вищої освіти України, особливо в закладах зі специфічними умовами навчання, набула критичної ваги в умовах воєнного стану. Метою дослідження було оцінювання діджиталізації освітнього процесу, визначення впливу соціально-правових факторів і макроекономічних умов. Було досліджено заклади вищої освіти України із особливим режимом роботи. Використано метод множинної лінійної регресії, що дозволило пояснити 85 % варіації індексу у 2019-2023 рр. Для досягнення поставленої мети, було побудовано узагальнений освітній індекс діджиталізації, нормалізувано вихідні показники, досліджено взаємозв'язок індексу з рівнем цифрової грамотності, нормативно-правової обізнаності, доходами та безробіттям населення. Доведено, що повномасштабна війна прискорила потребу у сталій цифровізації закладів вищої освіти із специфічними умовами навчання, водночас загострили соціально-правові виклики. Отримані результати підтвердили важливість розвитку професійно-комунікативних ігрових та громадянських цифрових компетентностей, одночасно демонструючи критичну роль правового компонента в безпековому навчанні. Результати показали, що зростання цифрової та правової грамотності й добробуту позитивно корелює зі швидкістю цифровізації, тоді як економічні шоки воєнного періоду її стримують. Отримані дані доводять резильєнтність української системи вищої освіти в кризових умовах і окреслюють пріоритети післявоєнного інвестування у захищену IT-інфраструктуру та підготовку персоналу. Результати дослідження можуть бути використанні в діяльності закладів вищої освіти та інших установ, які впроваджують освітні послуги

Ключові слова: цифровізація; вища освіта; заклади вищої освіти; соціально-правові фактори; воєнний стан; регресійний аналіз; штучний інтелект

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Marine environment as a subject matter of criminal offence

Oleksandr Shamsutdinov*
PhD in Law, Senior Researcher
Interagency Research Center for Combating Organised Crime
at the National Security and Defence Council of Ukraine
03035, 1 Solomianska Sq., Kyiv, Ukraine
https://orcid.org/0000-0002-9325-9227

Abstract. The relevance of the topic was determined by the need to increase the effectiveness of the criminal law protection of the marine environment from pollution. The purpose of the study was to develop a scientifically substantiated approach to interpreting the content of the subject matter of the criminal offence as a constructive element of the corpus delicti provided for in Art. 243 of the Criminal Code of Ukraine. Achieving this goal was made possible through the use of a complex of scientific cognition methods: hermeneutic, formal logical, systemic and structural, comparative legal, etc. It was established that the first form of the criminal offence under Part 1 of Art. 243 of the Criminal Code of Ukraine was constructed as a single delict with derivative consequences, characterised by several direct objects and subjects matter of the offence. It was substantiated that marine pollution is a conventional crime; therefore, the provisions of relevant international legal agreements to which Ukraine is a party, rather than national legislation, should take precedence in interpreting its constructive elements. The position that the subject matter of marine pollution (Art. 243 of the Criminal Code of Ukraine) is the marine environment was supported, and its components were identified as marine waters, the seabed, subsoil, and the coast. It was proposed that the sea coast be understood as lands that are washed (periodically covered or flooded) by coastal sea waters. The conclusion was drawn that the living resources of the sea (marine organisms) are not part of the marine environment, but they should also be recognised as a subject matter of the investigated crime

Keywords: criminal law norm; subject matter of the offence; conventional crime; UNCLOS; sea waters; hydrobionts; sea coast

Introduction

The problems of preserving the natural environment and regenerating natural resources remain among the most serious challenges for humanity, upon which its survival depends. However, as anthropogenic pressure on the planet intensifies, the level of environmental pollution is rising; specifically, the state of the marine environment is critically deteriorating. The Marine Environmental Strategy of Ukraine (2021) identifies river runoff, the discharge of return waters and wastewater from stationary coastal sources, diffuse pollution, and pollution originating from sea vessels as the primary sources of pollution in the Azov and Black Seas. For the fourth consecutive year, the activities of the Russian occupation forces have also constituted such a source, specifically through the aggressor's destruction of port infrastructure, the blowing up of dams, the shelling of oil depots, sewage treatment plants and pumping stations, the manoeuvring of naval vessels, missile launches from submarines, discharges of spent rocket fuel, and chemical pollution of the marine environment caused by sunken ships, downed munitions, etc. These aforementioned threats require Ukraine to implement effective legal mechanisms to counter acts resulting in marine pollution, particularly by establishing criminal liability for the violation of relevant rules, regulations, standards, and other requirements regarding ecological (biological) safety.

One of the key features influencing the correct legal qualification of the offence and the imposition of a fair and proportionate punishment on the perpetrator is the subject matter of the criminal offence. Both law enforcement practice and doctrinal approaches to interpreting this specific objective feature of the elements of the crime of marine pollution (Art. 243 of the Criminal Code of Ukraine, 2001) indicate that this issue remains debatable; no unified opinion regarding the understanding of the content of the subject matter of this criminal offence has been developed.

Ukrainian researchers have dedicated their academic works to the comprehensive study of the criminal law protection of the sea and other water bodies from pollution. For instance, I. Berdnik (2020), examining marine pollution among other "environmental crimes" encroaching on water resources, noted that the subject matter in the composition of this crime was a mandatory "component" of its object.

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*Corresponding author

In characterising the subject matter of marine pollution (Art. 243 of the Criminal Code of Ukraine, 2001), the researcher referred to relevant international regulations in this sphere and suggested replacing the term "sea" used by the Ukrainian legislator with the phrase "marine environment". However, her conclusions regarding the content of the subject matter of this crime were somewhat contradictory. O. Sudets (2021), within the scope of researching the criminal law principles of liability for violations of water legislation, mentioned the mandatory objective features of the criminal offence provided for in Art. 243 of the Criminal Code of Ukraine (2001), yet did not dwell on their characteristics in detail. V. Matviichuk and V. Oliinyk (2022) dedicated a comprehensive monographic study to highlighting the theoretical and practical problems of the criminal law protection of the sea from pollution and littering. However, the scholars concentrated on interpreting the content of such concepts as "internal marine and territorial waters of Ukraine", "waters of the exclusive (marine) economic zone of Ukraine", and "the high seas", whilst the provisions of relevant international legal agreements to which Ukraine is a party remained outside their academic attention. I. Khar (2022) examined the problems of the criminal law protection of water bodies from pollution, littering, and depletion (Art. 242 of the Criminal Code of Ukraine, 2001); thus, the focus of her scientific interest lay in the plane of a different criminal offence. Therefore, the researcher's reference to the content of the subject matter of marine pollution was rather superficial and lacked proper argumentation.

Criminal law and criminological problems of marine environment pollution have also been investigated by many researchers. For example, A. García Ruiz *et al.* (2020), within the scope of researching "blue crime" – crimes causing harm to the marine environment – classified the disposal of toxic waste and the illegal discharge of oil and garbage from vessels as among the most harmful categories of environmental crimes possessing a transnational character. In this context, the researchers identified marine living resources, marine life, marine waters (national and international), and coastal and marine ecosystems as the objects of criminal impact. M. Lynch and M. Long (2022), in their review of the development paths of "green" criminology, pointed to the fact that this branch of criminological research differs from conventional criminology, which is centred on humans, by studying the environmental harm caused by humans to ecosystems and various biological species that fall victim to human development. Although the researchers did not interpret the objective features of crimes against the environment in this work, their assertion that harm to aquatic ecosystems from pollution consists not only in the deterioration of their normal functioning and the provision of relevant ecological services but also in the negative impact on species for which specific waters serve as a habitat is valuable. Z. Aliozi (2025), investigating "blue crimes", i.e., criminal acts causing harm to oceans and marine life, raised the problem of criminalisation at international and national levels of criminal behaviour leading to the destruction of the marine environment (including overfishing, marine pollution, habitat destruction, and illegal waste dumping). The researcher included both marine life, including endangered species, and marine ecosystems, and the oceanic, marine, and coastal environment, in the subject matter of such criminal encroachments.

The purpose of this study was to develop a scientifically grounded approach to interpreting the content of the subject matter as a mandatory feature of the elements of the crime of marine pollution, as provided for in Art. 243 of the Criminal Code of Ukraine (2001).

Materials and methods

Conceptually, the research was based on the theory of criminal law of Ukraine; however, separate relevant provisions of environmental law, maritime law, and criminology were also applied. In the course of the research, a complex of methods of scientific cognition was used. Thus, the hermeneutic method was employed for the theoretical comprehension of the content of concepts used by the legislator to characterise the constructive features of the elements of marine pollution, and for the interpretation of relevant definitions from the perspective of criminal law science. The dogmatic (formal logical) method was applied in distinguishing the place of commission of the unlawful encroachment on the marine environment from the subject matter of this crime. The systemic and structural method was used during the study of the components of the marine environment as elements of a single whole, and in determining the place of the subject matter of encroachment within the structure of the object of the elements of the criminal offence. The comparative legal method proved useful in analysing the provisions of Ukrainian, foreign, and international legislation regarding marine pollution, and in the process of juxtaposing positions existing in criminal law doctrine regarding the subject matter of this criminal offence. The study also reflected methods of analysis and synthesis, induction and deduction, and the logical and semantic method in defining concepts and terms, and formulating conclusions.

The research process followed a certain staging: after substantiating the relevance of the subject of scientific inquiry for contemporary theory and practice of criminal law qualification, and stating the complex structure of the elements of the crime under study in general and its subject matter in particular, the results of research by legal scholars on this issue were analysed. Next, the relevant provisions of national and international legislation, to which the disposition of the criminal law provision under study refers, were examined. Subsequently, scientific and encyclopaedic literature, including national, subnational, and international legal acts allowing for the determination of the content of definitions directly related to the subject of this research, were processed.

Specifically, the following acts of Ukrainian legislation were used: the Criminal Code of Ukraine (2001), the Land Code of Ukraine (2001), the Water Code of Ukraine (1995), the Laws of Ukraine "On the Exclusive (Marine) Economic Zone of Ukraine" (1995), "On Environmental Protection" (1991), the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Rules for the Protection of Internal Marine Waters and the Territorial Sea from Pollution and Littering" (1996), and the Order of the Cabinet of Ministers of Ukraine "On Approval of the Marine Environmental Strategy of Ukraine" (2021), international legal acts: Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972), International Convention for the Prevention of Pollution from Ships (1973), United Nations Convention on the Law of the Sea (1982), Convention on the Protection of the Black Sea Against Pollution (1992), and

Agenda 21 (1992). To substantiate the relevance of the chosen subject of research, statistical data from the Office of the Prosecutor General on registered criminal offences and the results of their pre-trial investigation, the Unified State Register of Court Decisions, and the EMBLAS report "National Pilot Monitoring Studies and Joint Open Sea Surveys in Georgia, Russian Federation and Ukraine" (2018) were utilised.

Results and discussion

Studies show that the main pollutants of the marine environment are oil products, organochlorine hydrocarbons, pesticides, perfluorinated substances, dioxins, and heavy metals. All these compounds accumulate in food chains, with humans being the final link. Furthermore, the level of pollution of seawater with pathogenic and conditionally pathogenic microflora is constantly increasing, which harms human health, leading, in particular, to an increase in morbidity among the population in coastal recreational areas (EMBLAS, 2018; Prekrasna *et al.*, 2022).

Such a state of the marine environment requires the implementation of systemic measures to minimise existing ecological and biological threats, restore marine bioresources, and prevent pollution of the marine environment. One of the ways to ensure the protection of the marine environment from negative anthropogenic impact is the introduction of effective legal mechanisms to counteract acts resulting in marine pollution. One of the avenues for ensuring the protection of the marine environment against negative anthropogenic impact is the criminalisation of acts that cause harm to it or pose a real threat of inflicting such harm.

The liability of legal persons for pollution of the marine environment is established in Art. 26 of the Law of Ukraine No. 162/95-BP (1995). Natural persons bear criminal liability for committing relevant socially dangerous acts under Art. 243 of the Criminal Code of Ukraine (2001). However, an analysis of law enforcement practice shows that despite the prevalence of such offences, combined with their significant latency, the effectiveness of this criminal law norm is low. Specifically, according to official statistics, from 2013 to 2024, 50 criminal offences were registered under the elements of marine pollution – Art. 243 of the Criminal Code of Ukraine (2001) (2013 – 5, 2014 – 1, 2015 – 8, 2016 – 5, 2017 – 6, 2018 – 6, 2019 – 1, 2020 – 4, 2021 – 6, 2022 – 1, 2023 – 1, 2024 – 6). Moreover, not a single criminal proceeding with this qualification was sent to court with an indictment (Fig. 1). This telling statistic is confirmed by data from the Unified State Register of Court Decisions, which contains no court verdicts finding persons guilty of committing criminal offences under Art. 243 of the Criminal Code of Ukraine (2001). The only court decision in the register related to the issue under investigation is a court order scheduling a case for trial (Decision of Chornomorskyi District Court of the Autonomous Republic of Crimea in the case No. 123/2258/2012, 2012).

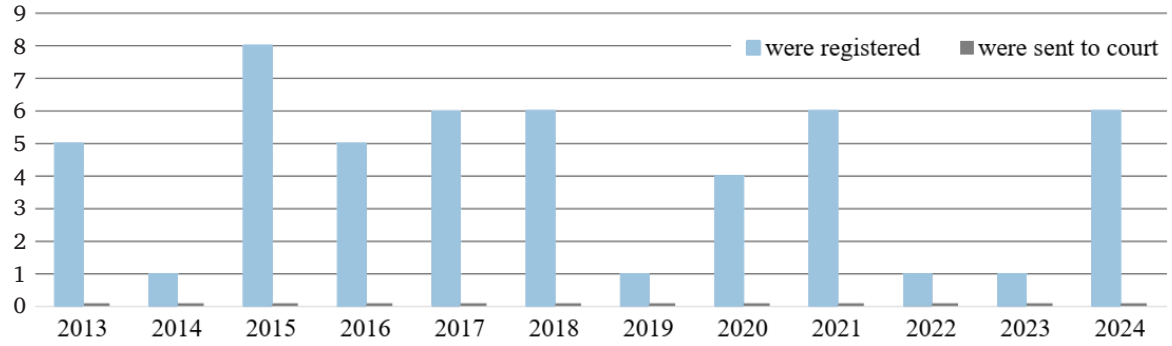

Figure 1. Practice of criminal proceeding under Art. 243 of the Criminal Code of Ukraine
Source: developed by the author based on the Prosecutor General's Office (2024)

One of the reasons for the insufficient effectiveness of criminal law norms prohibiting the most dangerous encroachments on the marine environment, according to A. Myroniuk (2019), is the mismatch between the punishment and the severity of the crime, particularly the low fines. V. Matviichuk and V. Oliinyk (2022) called such norms "overly complicated both for understanding their mandatory elements and for their application in practice". V. Barvenko (2019) pointed to shortcomings in the actions of law enforcement agencies at the initial stage of investigating marine pollution, which often lead to the closure of criminal proceedings and the application of administrative law norms.

Under such condition, it can be argued that the low effectiveness of the criminal law norm provided for in Art. 243 of the Criminal Code of Ukraine is caused by all the aforementioned factors in combination: the specific manner in which the legislator has formulated its disposition and sanction, errors made by law enforcement practitioners when legally qualifying marine pollution, and the insufficient scholarly elaboration of this issue within criminal law doctrine. Thus, research into the problem of ensuring the protection of the sea against pollution through criminal law measures is topical and meets the needs of contemporary law enforcement practice.

Part 1 of Article 243 of the Criminal Code of Ukraine (2001) defines criminal liability for acts involving marine pollution and establishes a system of sanctions that includes three alternative principal penalties – namely a monetary penalty, restriction of freedom, or custodial sentence –including an optional supplementary sanction in the form of a prohibition on holding certain offices or carrying out specific activities. These measures apply to any natural person who polluted the sea (Ukraine's internal sea waters, territorial sea, or exclusive (marine) economic zone) with materials or substances harmful to human life or health, or with waste as a result of a violation of special rules, provided that such conduct endangers individuals, marine living resources, or interferes with the lawful use of the sea. The

specified sanctions are also applied for the unlawful discharge or dumping of said materials, substances, or waste within the internal maritime or territorial waters of Ukraine or on the high seas.

Thus, from the objective side, the investigated crime can be committed in two alternative forms: 1) violation of special rules, resulting in the pollution of the sea with harmful materials, substances, or waste, thereby creating a danger to human life or health or to the living resources of the sea, or the possibility of hindering lawful uses of the sea; 2) illegal dumping or burial of such materials, substances, or waste in the sea.

It is obvious that the first form of this crime is formulated by the legislator as a single delict, complicated in its content, specifically of the type of criminal offences with derivative (remote) consequences. Their specific feature is that the intermediate and derivative consequences occur sequentially, one after another, as a result of a person committing a single socially dangerous act (Shamsutdinov, 2025). Specifically, the violation of special rules (the act) leads to the pollution of the sea (the intermediate consequence), which, in turn, creates a real danger to human life, health, and the living resources of the sea (the derivative consequence). This construction of the *corpus delicti* of the investigated criminal offence demonstrates the mandatory presence of additional direct objects, and accordingly, subjects matter and victims, who are harmed or threatened with harm by such encroachments.

Almost all researchers agree with the statement that the *corpus delicti* of marine pollution (Criminal Code of Ukraine, 2001) is characterised by several additional direct objects. For example, O. Dudorov and R. Movchan (2024) defined the main direct object of the crime under Art. 243 of the Criminal Code of Ukraine as the order of use and protection of the sea and the ecological safety of the marine environment, with additional objects being the life and health of a person, property, etc. V. Matviichuk and V. Oliinyk (2022) proposed the following formulation for the main and additional direct objects of this crime: 1) the main direct object of this crime is the social relations that ensure conditions for the proper protection, rational use, reproduction, and improvement of marine waters in a state favourable for the life activities of present and future generations; 2) the additional direct object of this crime is the social relations that ensure conditions for the protection of human life and health, marine bioresources, marine recreational resources, and other lawful uses of the sea. However, the existing positions in criminal law doctrine regarding the definition of the subject matter of the investigated *corpus delicti* indicate the need for a more in-depth study of this issue.

Thus, V. Matviichuk and V. Oliinyk (2022) argued that the subjects matter of a criminal offence provided for in Part 1 of Art. 243 of the Criminal Code of Ukraine (2001) are: 1) the waters of the internal sea of Ukraine; 2) the waters of the territorial sea of Ukraine; 3) the waters of the exclusive (marine) economic zone of Ukraine; 4) the waters of the high seas. These scholars proposed to unite these subjects under the generic concept of "sea waters (marine waters)". When considering the issue of distinguishing the violation of water protection rules (Art. 242) from related delicts, I. Khar (2022), O. Dudorov and Ye. Pysmensky (2024) also named the waters of the internal sea, the high seas, the territorial sea waters of Ukraine, and the waters of the exclusive (marine) economic zone of Ukraine as the subject matter of marine pollution (Art. 243). I. Kopotun (2025) defined the subject matter of the elements of the criminal offence under study in a similar manner.

This approach compelled the author to make certain reservations. Firstly, by speaking of several subjects of this criminal offence, the mentioned scholars are, in fact, pointing to several types of marine areas with different regimes of national jurisdiction. The indication in the disposition of the investigated norm of causing significant harm to the object of criminal law protection "within" specific marine waters denotes not the subject matter, but the "crime scene". Other scholars have reached the same conclusion. For instance, T. Rodionova (2018), in her comprehensive study of the crime scene by criminal law of Ukraine, stated that Art. 243 of the Criminal Code of Ukraine (2001) contains a direct indication of the place of the crime as a constitutive element of its *corpus delicti*. A. Prytula (2010), researching the problem of the state's criminal law jurisdiction in the exclusive (marine) economic zone, noted that the legislator in Part 1 of Art. 243 of the Code has formulated a disposition that established the crime scene as a systemic feature of the criminalisation of the act. I. Berdnik (2020) also recognised the place of the crime (the boundaries of certain marine waters) as a mandatory element of the *corpus delicti* of the criminal offende provided for in Art. 243 of the Criminal Code of Ukraine (2001).

Secondly, defining the subject matter of the investigated crime as marine waters indicates that the proponents of this approach were primarily guided by acts of national environmental legislation, such as the Water Code of Ukraine (1995), the Law of Ukraine No. 1264-XII (1991), the Rules for the Protection of Internal Sea Waters and the Territorial Sea of Ukraine from Pollution and Contamination (Resolution of Cabinet of Ministers of Ukraine No. 269, 1996), etc. For example, the Water Code operates with terms such as "water pollution" (Art. 1) and "protection of waters from pollution" (Chapter 20); the Law on Environmental Protection lists waters among other objects of legal environmental protection (Art. 5); the Rules for the Protection of Internal Sea Waters and the Territorial Sea of Ukraine from Pollution and Contamination use the terms "internal sea waters of Ukraine", "coastal sea waters" (to define the territorial sea of Ukraine), and "water pollution". The Water Code of Ukraine (1995) understands "water pollution" as the introduction of pollutants into water bodies, i.e., substances brought into a water body as a result of human economic activity (Art. 1). The Code includes the sea as a natural element of the environment where relevant waters are concentrated among water bodies.

At the same time, the sea is not just a water body. The legal regime of seas and oceans is a global issue, driven by the need for international transport, the use of sea and ocean resources by various states for economic, recreational, and other peaceful purposes, joint scientific research, and environmental protection measures. Therefore, a comprehensive regulation of these needs requires international cooperation, particularly within the framework of international legal acts. In this context, the issue of criminal law protection of the sea at the national level cannot be considered in isolation from the international legal obligations that Ukraine has undertaken in the field of protecting and preserving the marine environment. Thus, at the Third UN Conference in 1982 in Montego Bay (Jamaica), the United Nations Convention on the Law of the Sea – UNCLOS (1982) was opened for signature, which laid the foundations for the international

legal regime of marine spaces. Ukraine ratified UNCLOS, which entered into force in 1994, by the Law of Ukraine No. 728-XIV (1999), meaning the norms of this international legal act are binding for Ukrainian jurisdiction (Tuliakov & Stepanenko, 2025). Moreover, Art. 112 of the Water Code of Ukraine (1995) establishes the primacy of international legal norms over national ones in this area.

Part XII of UNCLOS (1982) is entirely dedicated to the protection and preservation of the marine environment. It contains the norm provided for in Art. 192, which obliges states to protect and preserve the marine environment. Subsequent norms clarify that to do so, states must take all measures consistent with the Convention that are necessary to prevent, reduce, and control pollution of the marine environment (Art. 194). One such measure, as stated in Art. 207 of UNCLOS (1982), is the adoption by states of national laws and regulations that consider international norms, standards, and recommended practices and procedures in this field. Similar provisions are also contained in other international agreements to which Ukraine is a party: the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972), the International Convention for the Prevention of Pollution from Ships (1973), as amended by the Protocols of 1978 and 1997, and the Convention on the Protection of the Black Sea Against Pollution (1992).

Under these conditions, T. Korotkyi (2011) rightly noted that "the existence of relevant obligations for Ukraine allows classifying the *corpus delicti* provided for in Art. 243 of the Criminal Code of Ukraine as a conventional crime". I. Berdnik (2017) agreed with this conclusion in her research on the problems of applying international legal acts in the qualification of the criminal offence of "marine pollution".

It is worth noting that UNCLOS (1982) and the Convention on the Protection of the Black Sea Against Pollution (1992) prohibit the pollution not of marine waters, but of the "marine environment". In particular, these Conventions define "pollution of the marine environment" as "the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities". In other words, international legal prohibitions on marine pollution are primarily aimed at ensuring the protection of the life of marine organisms (hydrobionts), public health, and the preservation of marine resources for their effective and safe use by humans. The quality of marine waters as such is important, but, it seems, not the exclusive issue of international legal regulation.

Therefore, the definition of the subject matter of such a conventional crime as marine pollution (Art. 243 of the Criminal Code of Ukraine, 2001) does not consist of marine waters, but of the "marine environment". Proponents of this position include T. Korotkyi (2011), O. Melnik (2012), O. Sudets (2021), and some other scholars. However, these researchers invest different meanings into this concept. For example, I. Berdnik (2017) suggested that the concept of "marine environment" is much broader than the concept of "sea", yet she understood it only as internal sea waters, territorial waters of Ukraine, and the waters of the exclusive (marine) economic zone of Ukraine (Berdnik, 2020), i.e., effectively only marine waters. O. Sudets (2021) called the marine environment, including the seabed and the coast, the subject matter of the criminal offence under Art. 243 of the Criminal Code of Ukraine (2001). O. Melnik (2012) emphasised that, unlike water pollution – Art. 242 of the Criminal Code of Ukraine (2001) – the subject matter of the marine pollution offence is the marine environment, and the inseparably linked living resources of the sea.

Criminologists A. García Ruiz, N. South, and A. Brisman pointed out that "blue crime" exerts a devastating impact on marine living resources, marine life, marine waters, and coastal and marine ecosystems (García Ruiz *et al.*, 2020). Representatives of "green" criminology M. Lynch and M. Long (2022) argued that the victims of aquatic ecosystem pollution are primarily nonhuman animal species. "Blue crime" researcher Z. Aliozi (2025) classified both marine life, including iconic species such as dolphins and whales, and marine ecosystems, the oceanic, marine, and coastal environments, as the subject matter of marine environmental pollution.

O. Tolkachenko (2015a), based on the provisions of environmental law, defined the marine environment as a natural complex within which several types of living and non-living natural resources function. She classified objects of the animal and plant world of the marine ecosystem as living resources, and mineral resources as non-living resources. Considering different types of marine pollution, the researcher effectively included the seabed, marine and surface waters, biodiversity (marine species/organisms), and the coastal zone as components of the marine environment (Tolkachenko, 2015b).

Although UNCLOS (1982) and the other mentioned international legal acts do not contain a definition of the term "marine environment", an analysis of their content indicates that this concept covers marine waters, the coast, the seabed, its subsoil, and natural marine resources (both living and non-living). The Declaration "Agenda 21", adopted at the UN Conference on Environment and Development (1992), states that the marine environment includes "the oceans and all seas and adjacent coastal areas" (para. 17.1).

Evidently, both international legal and doctrinal approaches to understanding the marine environment differ significantly, which negatively affects the effectiveness of the practical application of the investigated criminal law norm. It seems that to determine the content of the legal category "marine environment", it is necessary first to turn to the semantics of the generic concept "environment". Specifically, a Ukrainian explanatory dictionary defines "environment" as the totality of natural conditions in which the life activity of any organism takes place (Busel, 2005). Regarding the marine environment, it refers to the natural conditions for the life of marine organisms – animals, plants, microorganisms – whose life is impossible without being in seawater.

Whereas this study considers the marine environment as the subject matter of a criminal offence, specifically illegal pollution, the content of this concept should be defined considering the possibility of such anthropogenic impact. It should be recognised that the term "pollution" can be applied to the abiotic components of the environment, but not to the biota. Living organisms, on the other hand, can be infected, poisoned, or destroyed (killed). At the same time, it is entirely possible to pollute marine waters, the seabed, the coast, etc., with harmful substances.

In this context, it is advisable to pay attention to the coast (coastal strip, coastal zone), which some scholars indicate as one of the components of the subject matter of the investigated criminal offence. For example, V. Pluhatyr and O. Kryshevych (2018) called it a "zone of treatment and recreation" and interpret it as territories of the sea coast that perform one of these functions and are suitable for it based on the totality of existing conditions. The current legislation of Ukraine has the concept of a coastal protective strip, which (in the context of the sea) is understood as a land plot along the sea, around sea bays and estuaries, with a width of at least 2 km from the water's edge, where a strict regime of economic activity is established to prevent the pollution and contamination of such water bodies – Art. 60 of the Land Code of Ukraine (2001); Art. 88 of the Water Code of Ukraine (1995). Obviously, such large land areas cannot be classified as part of the marine environment.

Directive of the European Parliament and of the Council No. 2000/60/EC (2000), which sets out a comprehensive framework for European Union water policy, defines "coastal water" as "surface water on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial waters is measured, extending where appropriate up to the outer limit of transitional waters". Another Directive of the European Parliament and of the Council No. 2008/56/EC (2008), which establishes a framework for Community action in the field of marine environmental policy, proposes understanding coastal marine waters as defined in the aforementioned Directive No. 2000/60/EC (2000), and the seabed and subsoil, since specific aspects of the environmental status of the marine environment are not yet regulated in EU legislation. Such definitions are fully applicable to the interpretation of the marine environment, yet they do not provide an answer as to what constitutes the sea coast.

In the national legislation of foreign jurisdictions, approaches to understanding coastal areas vary. For instance, the Law of France No. 86-2 (1986) refers to the coastline as a geographical entity requiring a special policy of development, protection, and improvement. A more detailed definition of the coastline is contained in the report by M. Piquard (1973), prepared for the Interministerial Commission on Regional Planning and Development. It defines the coastline as the contact zone between land and sea. This zone includes both the public maritime space (everything covered or previously covered by the calm sea during the highest possible March tides) and the hinterland and foreland, extending several kilometres inland.

In turn, the US Coastal Zone Management Act (1972) contains the following definition of a coastal zone: "coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other". The concept of "coastal zone" also includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. Thus, in the context of the criminal law prohibition of marine pollution, the "sea coast" as a component of the marine environment can be defined as lands washed (periodically covered or flooded) by coastal marine waters.

In summary, the marine environment, as the subject matter of the criminal offence provided for in Art. 243 of the Criminal Code of Ukraine (2001), includes the waters, seabed, its subsoil, and the sea coast (including estuaries). Furthermore, the living resources of the sea, which are inextricably linked to the marine environment and for which a real danger of disease or death is created as a result of its pollution, should also be classified as the subject matter of the criminal offence under study. Specifically, this refers to objects of the animal and plant world of the marine ecosystem.

Ultimately, it should be added that awareness of the complexity of the subject matter of marine pollution and a clear understanding of all its components will facilitate effective law enforcement. In the future, when the domestic legislator implements the remarks of scholars that criminal law sanctions in the sphere of environmental protection should be not only punitive but also restorative – that is, provide for real measures aimed at restoring the ecosystem damaged as a result of the committed criminal offence (Mostepaniuk *et al.*, 2025) – the correct interpretation of the content of the indicated constitutive feature will acquire a fundamentally new meaning.

Conclusions

The study was dedicated to analysing views on the subject matter of the elements of the crime "Marine Pollution" – Art. 243 of the Criminal Code of Ukraine – developed by Ukrainian criminal law doctrine, the positions of foreign criminologists regarding the subject matter of encroachment in the commission of "blue crimes", and the provisions of Ukrainian, foreign, and international legislation in the sphere of marine environment protection containing definitions of relevant terms. Consequently, the author succeeded in achieving the set goal – to develop a scientifically grounded approach to interpreting the content of the subject matter as a mandatory objective feature of the elements of marine pollution.

The results of the research have shown that Ukrainian legal scholars have not paid due attention to relevant international legal agreements to which Ukraine is a party, despite the fact that marine pollution is a convention crime. It was revealed that existing approaches to interpreting the subject matter of the elements of the crime provided for in Art. 243 of the Criminal Code of Ukraine allow for the conflation of such an objective feature with another – the place of commission of the criminal offence. An analysis of domestic environmental protection legislation has demonstrated that in cases of marine pollution, the attention of the Ukrainian law enforcement practitioner is focused primarily on the deterioration of the qualitative characteristics of waters, whereas international legal acts emphasise the threats that marine pollution poses to living resources and life in the sea, and to the quality of services related to the marine environment.

Research into the provisions of foreign and international legislation in the sphere of marine environment protection, and the conclusions of representatives of "green" criminology, has allowed the current study to assert that marine pollution is a criminal offence with a complex subject matter (poly-subjective); specifically, the subject matter of encroachment includes the marine environment (abiotic component) and the living resources of the sea (biotic component). Based on the analysis of the aforementioned normative and doctrinal provisions, it was summarised that marine waters, the seabed, its subsoil, and the coast should be classified as the marine environment, whilst objects of the animal and plant world of the marine ecosystem should be classified as the living resources of the sea. The

generalisation of legal approaches to interpreting the sea coast allowed for the proposal of a proprietary definition of this term from the perspective of criminal law science.

Generalising the obtained results, it can be noted that the conducted research enabled a comprehensive understanding of the content of the subject matter of the criminal offence under study, aimed at improving law enforcement practice in the criminal law qualification of acts consisting of polluting the sea with harmful substances, materials, or waste. A promising area for further research in the sphere of the criminal law protection of the marine environment is seen in the analysis of prospective Ukrainian legislation on criminal liability for encroachments on the environment, particularly regarding the safety and cleanliness of relevant water bodies.

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Морське середовище як предмет кримінального правопорушення

Олександр Шамсутдінов
Кандидат юридичних наук, старший дослідник
Міжвідомчий науково-дослідний центр з проблем боротьби
з організованою злочинністю при РНБО України
03035, пл. Солом'янська, 1, м. Київ, Україна
https://orcid.org/0000-0002-9325-9227

Анотація. Актуальність теми зумовлена необхідністю підвищення ефективності кримінально-правової охорони морського середовища від забруднення. Мета статті полягає у виробленні науково обґрунтованого підходу до тлумачення змісту предмета злочинного посягання як конструктивної ознаки складу кримінального правопорушення, передбаченого ст. 243 КК України. Досягнення окресленої мети стало можливим завдяки використанню комплексу методів наукового пізнання, зокрема герменевтичного (для тлумачення конструктивних ознак складу забруднення моря), формально-логічного (для відмежування місця вчинення протиправного посягання на морське середовище від предмета цього злочину), системно-структурного (для вивчення складових морського середовища як елементів єдиного цілого, визначення місця предмета посягання у структурі об'єкта складу кримінального правопорушення), порівняльно-правового (для зіставлення положень національного і міжнародного законодавства щодо забруднення моря). Констатовано, що перша форма кримінального правопорушення, передбаченого ч. 1 ст. 243 КК України, сконструйована як одиничний делікт із похідними наслідками, для якого характерним є декілька безпосередніх об'єктів і предметів посягання. Обґрунтовано, що забруднення моря є конвенційним злочином, тому пріоритетними при тлумаченні його конструктивних ознак є положення не національного законодавства, а відповідних міжнародно-правових угод, учасницею яких є Україна. Підтримано позицію, що предметом забруднення моря (ст. 243 КК України) є морське середовище, та визначено такі його складові: морські води, дно, надра, а також узбережжя. Запропоновано під морським узбережжям розуміти землі, що омиваються (періодично покриваються чи затоплюються) прибережними морськими водами. Зроблено висновок, що живі ресурси моря (морські організми) не входять до складу морського середовища, однак їх також слід визнати предметом досліджуваного злочину

Ключові слова: кримінально-правова норма; предмет посягання; конвенційний злочин; UNCLOS; води моря; гідробіонти; морське узбережжя

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Implementation of international standards in civil law and procedure in Ukraine

Nataliia Grabar*
PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0001-5533-6765

Khrystyna Maikut
PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0002-2196-4023

Ulyana Vorobel
PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0003-0480-5394

Olha Dilai
Doctor of Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0003-2872-5567

Mariia Vovk
PhD in Law, Associate Professor
Lviv State University of Internal Affairs
79007, 26 Horodotska Str., Lviv, Ukraine
https://orcid.org/0000-0002-8740-8222

Abstract. The relevance of this work is determined by Ukraine's urgent need to ensure effective protection of human rights in the context of European integration and martial law by adapting civil law and procedure to international standards. The full-scale invasion by the Russian Federation has exacerbated the problem of protecting the rights of the civilian population and compensating for damage caused by armed aggression. This brings to the fore the issue of the rapid adaptation of civil liability mechanisms and procedural guarantees to the standards of humanitarian and international private law, including the effective enforcement of court decisions and the transnational recognition of claims for compensation. The aim of this work was to develop a comprehensive, phased model for the implementation of these standards, taking into account European requirements. The study uses comparative legal analysis and IDEF0 functional modelling. Based on the IDEF0 model, it has been established that there are three key interrelated stages: harmonisation of legislation, institutional transformation and continuous monitoring of implementation. Aspects such as the reform of judicial governance bodies, the digitisation of judicial proceedings, and the introduction of compensation mechanisms for violations of the right to a reasonable time were analysed, and the results of the comparative experience of European Union countries were summarised. It was established that the systematic implementation of the proposed steps will significantly improve the compliance of Ukrainian civil procedure with international requirements and strengthen

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*Corresponding author

the trust of society and international partners in the legal system. The practical value of the work lies in the fact that the results obtained can be used by legislators, judicial authorities, relevant ministries and educational institutions in the development of regulations, planning of reforms and training of lawyers

Keywords: international law; civil procedure; harmonisation of legislation; functional modelling; IDEF0

Introduction

The relevance of the chosen topic lies in the fact that, as a result of the full-scale invasion by the Russian Federation, profound and radical transformations are taking place in the national legal system. The latter concern both the country's aspirations to join the European Union and the need to ensure effective protection of human rights and freedoms. Currently, Ukraine is at a critical stage in its development as a state, which is reflected in the fact that the level of compliance and adaptability of national regulatory and legal norms to international standards directly affects not only the stability of the legal system, but also economic stability and the restoration of confidence in the judiciary in the country. No less critical in this context is the strategic level of security. Thus, the implementation of the provisions of the European Convention on Human Rights, EU directives and Council of Europe standards in the field of civil justice is not only a formalised strategic task, but a critical need to ensure an adequate level of justice, especially in the context of martial law, humanitarian crisis and subsequent reconstruction processes.

In the context of full-scale war with Russia, European integration and judicial reform, Ukraine must urgently adapt its civil legislation and processes to international standards. Ukraine's accession to the Council of Europe in 1995 and the ratification of the European Convention on Human Rights (ECHR) in 1997 made European norms part of national law. Subsequently, the Association Agreement between Ukraine and the European Union (2014) established the obligation to harmonise procedural law with EU law and the Conventions of the Hague Conference. Against this backdrop, a broad judicial reform took place in 2016-2017: a new court system was introduced and the requirements for the selection of judges were raised (European Commission, 2023).

The pandemic and the invasion have further complicated access to justice and ensuring reasonable time limits for proceedings. These challenges underscore the need for further implementation of Council of Europe and EU standards (in particular, standards of fair trial, alternative dispute resolution, consumer protection, etc.) into the Ukrainian system. These standards refer, first and foremost, to the Council of Europe's guarantees of fair trial, enshrined in the European Convention on Human Rights (1950) and elaborated in the practice of the European Court of Human Rights, in particular the right of access to a court, the right to have a case heard by an independent and impartial court, publicity, equality of arms and adversarial proceedings, proper reasoning of court decisions, and consideration within a reasonable time. In addition, the Council of Europe's instruments on the management of time and the quality of justice are taken into account, in particular the approaches of the European Commission for the Efficiency of Justice and the Centre for the Management of Judicial Time, and, in terms of alternative dispute resolution, Recommendation of the Committee of Ministers No. (2002)10 (2002) on mediation in civil matters and the European Union's legal framework for mediation and out-of-court settlements. This adaptation is enshrined in the Constitution of Ukraine (1996) – ratified treaties are part of national legislation. Thus, in view of the war and integration into the EU, Ukraine must make efforts to implement the European Convention on Human Rights, Council of Europe standards and EU directives into its civil legislation and processes. The aforementioned standards of fair trial, alternative dispute resolution and consumer protection refer, first of all, to the guarantees of the European Convention on Human Rights, in particular the right to a fair and public hearing within a reasonable time by an independent and impartial court, as well as the right to an effective remedy. They also refer to the Council of Europe's standards on the organisation of court proceedings, the management of time limits and the efficiency of courts, including the European Commission Saturn Guidelines on the Efficiency of Justice (2020) and Recommendation of the Committee of Ministers No. (99)19 (1999) on civil matters and the proper enforcement of court decisions.

Contemporary scientific research in the field of civil law and procedure in Ukraine forms a multidimensional understanding of the mechanisms for protecting rights and their adaptation to international standards in the context of war and European integration. Thus, I. Hobechiya (2020) emphasises the importance of civil legal capacity of legal entities in the field of legal services as an institutional prerequisite for access to justice and the realisation of the right to judicial protection. while a significant body of research is devoted to the problems of compensation for damage caused by armed aggression and the need to develop special compensation mechanisms taking into account international approaches (Hnativ *et al.*, 2024). In the context of martial law, the consequences of non-fulfilment of civil law obligations, the limits of civil liability and the role of force majeure in law enforcement are also analysed (Kopeltsiv-Levytska *et al.*, 2022). The institutional dimension of the implementation of international standards is revealed by K. Rezvorovych *et al.* (2023) through the experience of self-government of the bar in EU countries and professional ethics as an element of ensuring fair justice, as well as by O.I. Kravchenko (2021) through the study of the interaction between the state and civil society, in which the judiciary acts as a key guarantor of human rights protection.

The substantive legal aspect of the implementation of international standards is revealed in the study by T. Hoffmann (2017), where the Europeanisation of private law in Ukraine is analysed through a comparison in the field of contract law. The author shows that convergence with European approaches is not limited to the mechanical borrowing of norms, as the decisive factor is the harmonisation of concepts, principles and the logic of regulating obligations. A separate area of implementation is the digitalisation of justice and related standards. T. Tsuvina (2020) examines online courts and online dispute resolution through the prism of the international standard of access to justice, analysing international experience and its suitability for borrowing. Expanding on this line of thought, A. Denysova *et al.* (2022) focus on the right to a fair trial, drawing on the practice of

the European Court of Human Rights and analysing implementation mechanisms in Ukraine.

The issue of judicial reforms, their focus and impact on guarantees of fair trial is raised by O. Boryslavska (2021). The author interprets reforms in Eastern European countries as a phenomenon that can simultaneously declare the right to a fair trial and create risks for the independence of the judiciary. This source is significant for the topic of the article in that it shows the implementation of international standards as a process that is sensitive to the balance between efficiency and independence, between managerial changes and guarantees of impartiality.

O. Shtefan (2022) directly analyses the problems of reforming Ukraine's civil procedural legislation and the difficulties of its practical implementation. This source allows to move from the general level of standards to the applied level of legislative changes and their functioning in the judicial system. The normative content of international standards of civil procedure is revealed by L. Lichman *et al.* (2022), analysing the principle of reasonableness as a component of international standards. The transnational aspect of the implementation of international standards in the civil sphere is reflected in the work of L. Doroshenko *et al.* (2024), devoted to the recognition and enforcement of foreign court decisions in Ukraine. The authors analyse problematic aspects of procedures and law enforcement that are directly related to private international law and mutual recognition standards.

The aim of the study was to develop scientifically grounded recommendations for the phased implementation of international standards in Ukrainian civil law and procedure. The object of the study was the system of regulatory, institutional and procedural mechanisms that ensure the approximation of Ukrainian civil legislation and judicial proceedings to the requirements of the European Union and the Council of Europe.

Materials and methods

A comprehensive source base was examined in the course of the study, combining normative legal and analytical materials. The first group includes the Constitution of Ukraine (1996), in particular the provisions on the place of ratified international treaties in the national legal system, the Civil Procedure Code of Ukraine (2004) as the key procedural act, as well as relevant legislative changes in the field of civil rights, including Law of Ukraine No. 3320-IX (2023), which reflects the direction of modernisation of private law regulation. The second group of sources comprises international agreements and obligations. The third group consists of analytical reports and programme materials of international organisations and partners, which specify expectations regarding institutional changes and the implementation of standards.

To analyse such a complex process as the implementation of international standards, it is advisable to use functional modelling according to the IDEF0 methodology. IDEF0 (Integration Definition for Process Modelling) is a method for constructing process models developed for the analysis and communication of the functional components of a system (Create IDEF0 diagrams, 2023). It represents any process in the form of function blocks with incoming and outgoing information flows, as well as control and mechanism (resource) links. In this way, IDEF0 formalises answers to the questions: which functions the system performs, which resources are involved and by whom, and which control conditions are satisfied. Such an approach helps to organise the research, involve experts in the discussion, and clearly define the scope of the analysis.

The expert survey was conducted at the stage of constructing and refining the hierarchy of the IDEF0 model, when the objective A0 and the decomposition of stages A1, A2, and A3 were being formed. It was carried out online in the format of a structured question-and-answer form with a section for open comments, and the alignment of positions was ensured through several rounds of review using the Delphi method. In total, 40 experts were involved, including scholars in the field of civil law and procedure, judges or retired judges, advocates, and specialists from public authorities connected with law-making and judicial policy, which made it possible to combine academic, practical, and administrative perspectives. Respondents were asked about the list of key functions and sub-functions of implementation, their logical sequence, the identification of inputs, outputs, control conditions, and resources for each block, the identification of the main responsible actors, as well as typical barriers and performance evaluation criteria at each stage. The sample was formed purposively according to the criteria of relevant experience and participation in reform or law enforcement activities. Contact details were obtained from open official sources and professional networks, as well as through recommendations according to the snowball principle. During the organisation and conduct of the expert survey, generally recognised ethical principles of sociological research were observed, in particular voluntary participation, informed consent, respondent anonymity, and the confidentiality of the data obtained, in accordance with the provisions of the ICC/ESOMAR International Code of Conduct for Market, Public and Social Research and Data Analysis (2016).

It should be noted that the implementation of international standards is a complex and multi-stage process involving a large number of participants (legislators, judges, representatives of ministries, and international institutions) and measures (drafting legislation, training personnel, monitoring the implementation of innovations). In this context, IDEF0 modelling makes it possible to divide this process into a number of functional blocks. Accordingly, the graphical "box-and-arrow" form enables the detection of points of intersection between processes and key actors. This was particularly important during the phased implementation of norms. IDEF0 also provides hierarchical detailing of each stage (serving as the main function) and sub-stages (sub-functions), while maintaining a controlled level of complexity (three to six elements per level).

Results

In the context of the study, the key objective was identified together with experts and designated as A0: "Ensure the implementation of international standards in the civil law and procedure of Ukraine." To achieve this, a number of stages were identified, forming the set A = {A1, A2, A3}. Thus, this set constitutes the hierarchical structure of the IDEF0 model. It should be noted that such a format represents a necessary step for the systematic presentation of the process of implementing international standards, as it allows tasks to be clearly structured, the logic of their execution to be established, and the coordination of actions of all involved stakeholders to be ensured (Fig. 1).

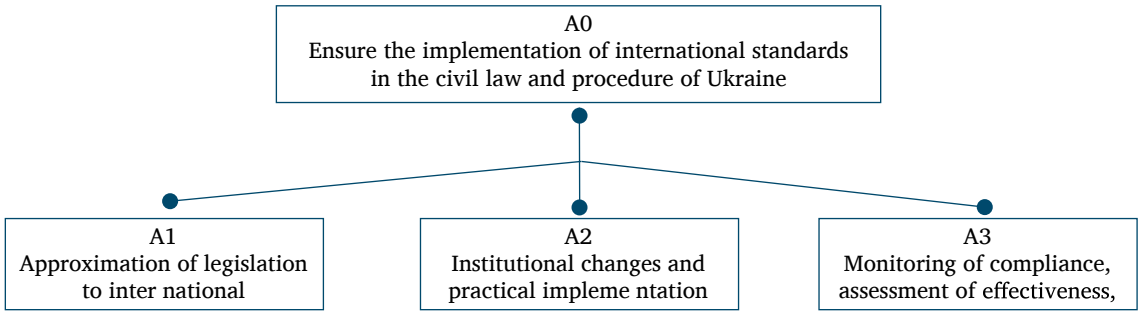

Figure 1. Hierarchical structure of the IDEF0 model for ensuring the implementation of international standards in the civil law and procedure of Ukraine

Source: developed by the authors

In order for the construction of the hierarchy of functions of legislative harmonisation to rely not only on abstract concepts but also on the existing regulatory model, the study applied formal legal, system-structural, and comparative legal methods to key normative sources governing the adaptation of Ukrainian legislation to European Union standards. The international legal foundation is provided by the Partnership and Cooperation Agreement between Ukraine and the European Communities and their Member States (1994), which establishes the obligation of gradual legislative approximation and directs it towards specific areas, allowing harmonisation to be treated as a legally conditioned function rather than merely a theoretical construct. The national framework is detailed in the Concept of Adaptation of Ukrainian Legislation to the Legislation of the European Union (1999), which establishes a phased approach, organisational mechanisms for law-drafting and coordination, and instruments for planning and methodological support. The nationwide programme of 2004 defines adaptation as the alignment of laws and subordinate acts with the acquis, the concept of which is explained in the glossary of European Union law, and also directly provides for an institutional mechanism and annual action plans covering comparative legal studies, translation of acquis acts, and preparation of a glossary. This justifies the allocation of the relevant sub-functions within the harmonisation block of the IDEF0 model (Law of Ukraine No. 1629-IV, 2004; European Union, n.d.). Current administrative practice complements this framework with a self-screening procedure, within which more than 80 bodies have been involved and approximately 28,000 acts of European Union law have been processed, as well as reports prepared for 34 negotiation chapters. This forms the current evidentiary basis for the prioritisation and decomposition of harmonisation functions (Government Office for Coordination of European and Euro-Atlantic Integration of Ukraine, n.d.). Additionally, the orders of the Cabinet of Ministers of Ukraine concerning action plans for 2024 and 2025 to implement the recommendations of the European Commission within the Enlargement Package establish parameters for timeframes, responsible actors, and control, which are necessary for correct hierarchical structuring (Order of the Cabinet of Ministers of Ukraine No. 133-r, 2024; Order of the Cabinet of Ministers of Ukraine No. 300-r, 2025).

The next step is the formation of the actual context diagram of the IDEF0 model for ensuring the implementation of international standards in the civil law and procedure of Ukraine, which, similar to a “black box” model, includes the following elements: C (controls), M (mechanisms), I (inputs), and O (outputs). It should be noted that such a structure creates a comprehensive understanding of the system’s boundaries, its subordination to external conditions (normative acts, international obligations), the resources used (institutions, specialists, technical means), as well as the specific changes expected at the output (adapted legislation, new procedures, and increased legal compliance). Accordingly, the IDEF0 context diagram for ensuring the implementation of international standards in the civil law and procedure of Ukraine is presented in Figure 2.

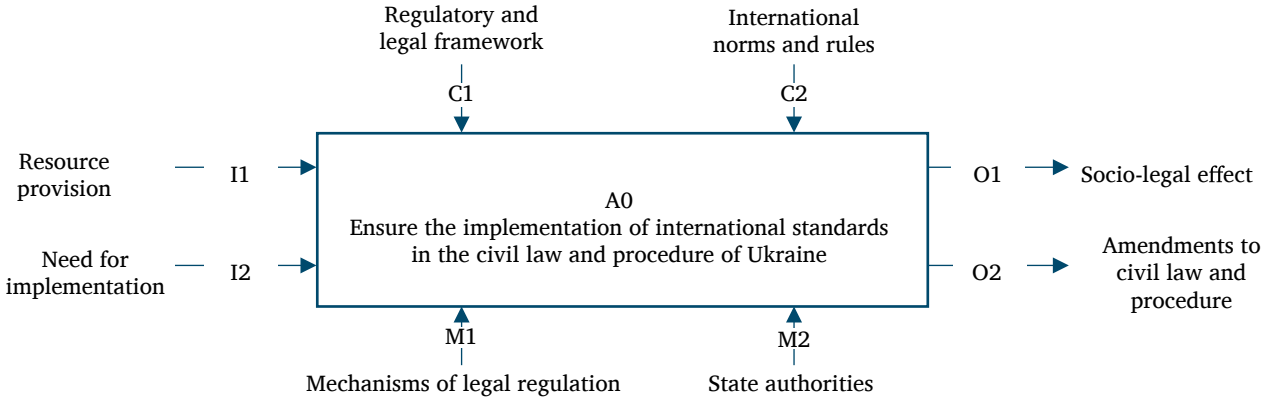

Figure 2. IDEF0 context diagram for ensuring the implementation of international standards in the civil law and procedure of Ukraine

Source: developed by the authors

Thus, the key processes for achieving A0, "Ensure the implementation of international standards in the civil law and procedure of Ukraine", include:

A1. Approximation of legislation to international standards. At this stage, the state regulator carries out legal analysis and revision of the existing national norms in order to identify discrepancies between the requirements of the EU, the Council of Europe, and international treaties. In accordance with the obligations under the Association Agreement, Ukraine implements the adaptation of its legislation to EU legal norms, gradually bringing the existing constitutional and sectoral acts closer to European legal standards (European Union, 2020). In particular, this involves the adoption of domestic regulatory acts aimed at implementing the provisions of EU and international law, as well as amendments to the existing codes and laws. Upon completion of this stage, Ukrainian legislation will be more consistent with the standards of the EU and the Council of Europe, thereby forming a solid legal foundation for the effective implementation of tactical and strategic changes.

A2. Institutional changes and practical implementation of reforms. This stage enables the creation of new organisational and institutional preconditions for the real implementation of the adopted norms and standards in everyday judicial practice. After the laws have been updated, it is necessary to ensure that the new rules operate effectively; for this purpose, institutions, procedures, and approaches to the administration of justice are reformed. Ukraine introduces modern European practices in the organisation of the judicial system and the legal professions, enhances the professional capacity of judges and advocates, and modernises the infrastructure of justice. The aim of this stage is to move from the formal adoption of standards to their practical application, so that citizens' rights are genuinely protected at the level expected within the European community.

A3. Monitoring of compliance, assessment of effectiveness, and further improvement. Following normative and organisational changes, the state must establish mechanisms for the continuous monitoring of their implementation, assess the effectiveness of the innovations, and adjust policy where necessary. This includes the collection of statistical data on court performance, the analysis of judicial practice for compliance with precedents, and parliamentary and public oversight of the implementation of reforms. It is important to ensure the sustainability of reforms: to prevent new norms from remaining merely declarative, effective measures of accountability for non-compliance are introduced, and further training and the exchange of experience with the EU are encouraged (Fig. 3).

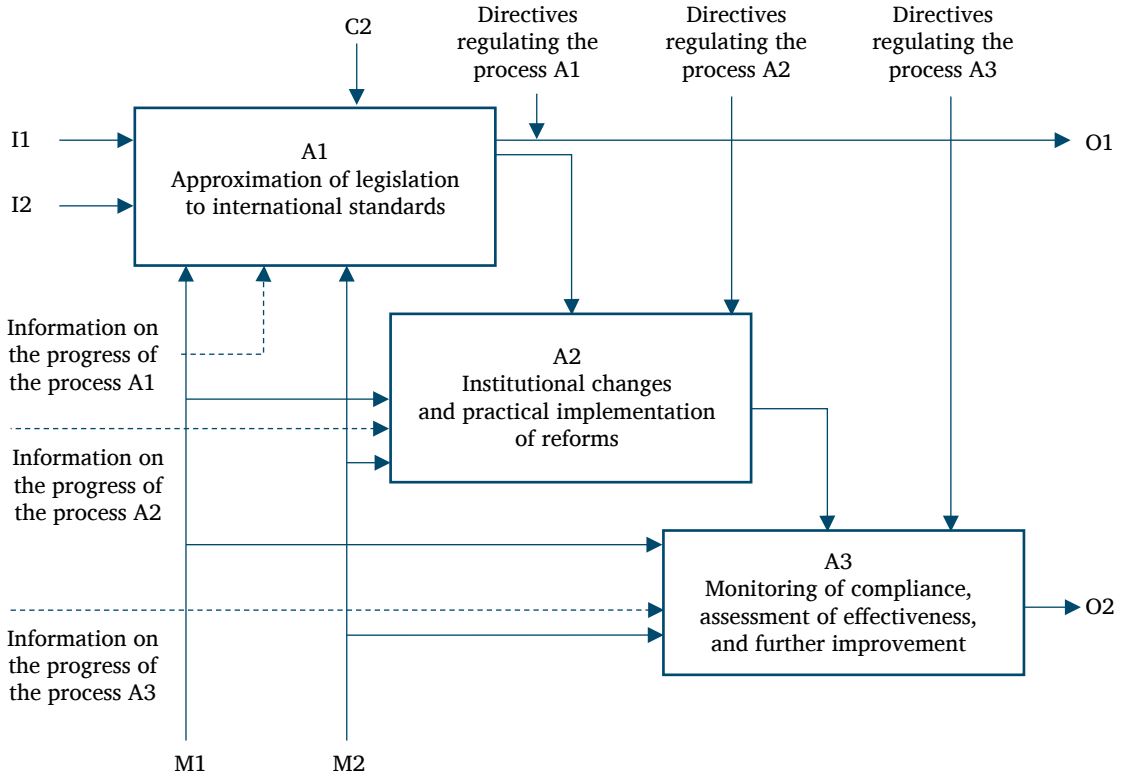

Figure 3. First-level decomposition of the IDEF0 context diagram for ensuring the implementation of international standards in the civil law and procedure of Ukraine

Source: developed by the authors

A distinctive feature and advantage of the IDEF0-based functional methodology is that each process can be broken down into detail. This is called decomposition of the second, third, and so on, levels. Thus, within the framework of this study, detail A1, "Approximation of legislation to international standards":

A11. Analysis of requirements and identification of gaps. At the beginning of implementation, a thorough analysis of the compliance of national law with international standards is carried out, including a study of the EU acquis, Council of Europe recommendations, and the practice of the European Court of Human Rights. In this work, the acquis of the

European Union refers to the norms and principles of European Union law in the field of justice and fundamental rights, as well as instruments of civil judicial cooperation governing jurisdiction, recognition and enforcement of judgments, service of procedural documents, taking of evidence, mediation and out-of-court settlement of disputes. The Council of Europe's recommendations are specified through standards of fair trial and independence of judges, as well as the European Commission for the Efficiency of Justice's methodological approaches to the timing and quality of case handling, while the practice of the European Court of Human Rights was analysed primarily within the framework of the application of Articles 6 and 13 of the European Convention on Human Rights (1950), with an emphasis on access to court, reasonable time limits and the enforcement of court decisions. Thus, Ukrainian authorities, together with European experts, should identify problem areas, such as excessive length of court proceedings, difficulties in enforcing court decisions, and limited access to justice. In cooperation with the Council of Europe, an expert review of procedural legislation should be carried out, for example, an analysis of the new Civil Procedure Code of Ukraine (2004) to identify the reasons for excessive length of proceedings. Identifying such gaps and shortcomings lays the foundation for a targeted update of the regulatory framework in line with European criteria for fair, effective and accessible justice.

A12. Reforming and adopting legislative changes. Based on the analysis, Ukraine is developing and implementing specific legislative reforms that bring civil law and procedure closer to international standards. This step includes amending the Civil Code, adopting new laws and ratifying international agreements. Thus, by updating its legislation, Ukraine can implement the provisions of the European Convention on Human Rights (1950) (Article 6 on the right to a fair trial, Article 13 on effective legal remedies, etc.) and move closer to the EU acquis in the field of justice. Assessing the amendments already adopted to the Civil Procedure Code of Ukraine (2004), i.e. the legislative approximation to international standards and the acquis of the European Union, cautious but mainly incremental progress can be noted, which partly corresponds to the approach of the European Commission, where the priority is to increase legal certainty and the effectiveness of rights protection. On the positive side, Law of Ukraine No. 3320-IX (2023) introduced digital items into the list of objects of civil rights and defined them in the code, which forms the private law basis for the circulation of digital goods and is a step towards modern European approaches in private law.

A13. Integration of international treaties and standards into the national legal system. In the context of this stage, it is important to accede to existing international treaties and subsequently implement their provisions and norms into the national legislative system. In general, the integration of the most effective international legal instruments will enable Ukraine to optimally and flexibly implement international rules and approaches that have long proven their effectiveness in EU countries into the national system. As a result, this will contribute to the unification of legal norms and increase confidence in Ukrainian court decisions abroad (Fig. 4).

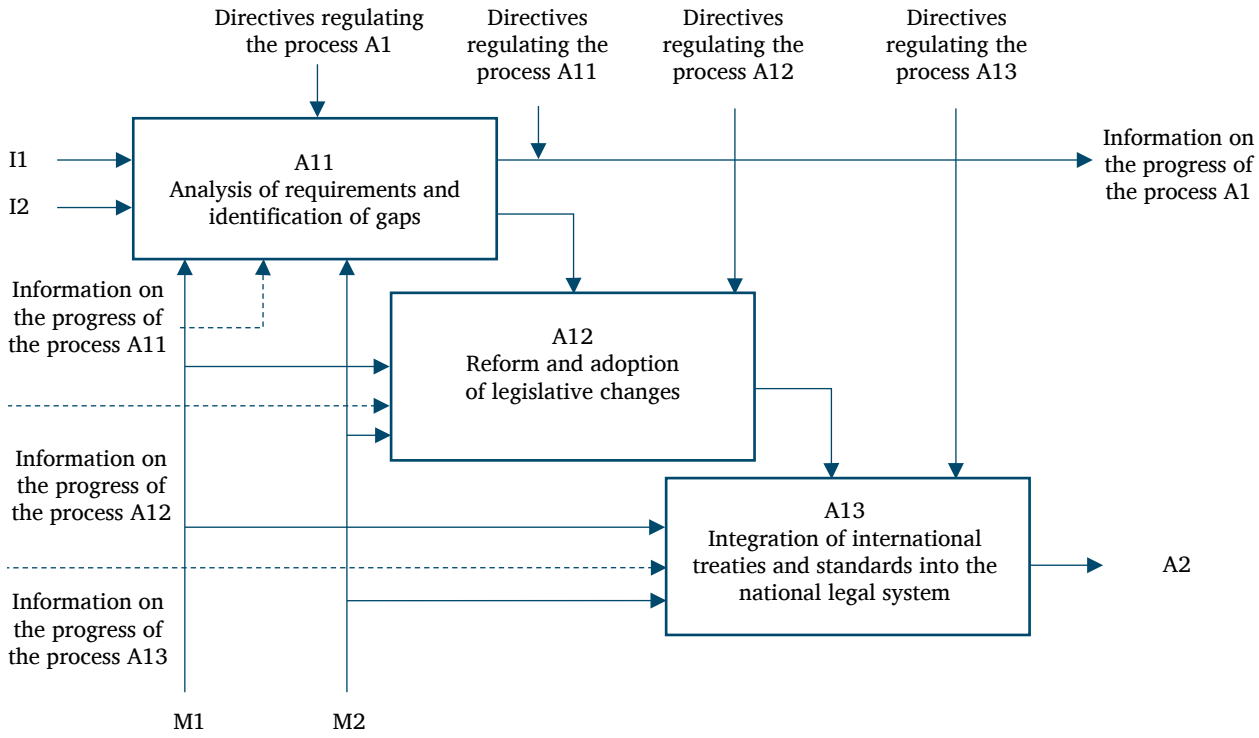

Figure 4. Second-level decomposition (A1) of the IDEF0 context diagram for ensuring the implementation of international standards in the civil law and procedure of Ukraine
Source: developed by the authors

In a similar manner, process A2 "Institutional changes and practical implementation of reforms" is further detailed:

A21. Reform of institutions and governance in the field of justice. In order to implement the new standards as

effectively as possible, Ukraine must fundamentally update the structure and bodies responsible for the administration of justice and the protection of citizens' rights. In accordance with current European recommendations concerning the independence of the judiciary, the system of court governance itself requires reform. For this purpose, a new Supreme Court is established and the court system is streamlined to three instances. Another important step has been the revision of the procedures for the selection and evaluation of judges (European Commission, 2022). In this context, it is also necessary to reform the system for the enforcement of court decisions. To this end, the state must develop a new strategy and corresponding legislation on compulsory enforcement, based on the practices of EU Member States. All these measures are aimed at building the institutional capacity of Ukraine's legal system to comply with international standards at all stages and in all areas of judicial activity.

A22. Improvement of professional qualifications and training of personnel. The successful implementation of modern standards is impossible without the proper preparation of those who apply these standards in practice – judges, lawyers, and court staff. One of the challenges identified during the assessment of the system is the limited awareness among legal professionals of international and European law. Recommendations of international experts also emphasise the development of "soft skills": the ability to draft judicial decisions, use alternative dispute resolution methods, and possess foreign language skills in order to access legal sources (Reforming Ukraine's Judiciary..., 2024). In order to overcome the existing gaps, large-scale educational programmes and training initiatives should be introduced in cooperation with European partners. For example, with the support of the Council of Europe, seminars should be conducted on the application of the Convention for the Protection of Human Rights and the case-law of the Strasbourg Court in civil matters; EU projects (such as Twinning) involve experts from Member States to facilitate the exchange of experience.

A23. Technological and procedural support in accordance with European standards. In order for Ukraine's judicial system to reach the level of efficiency and transparency accepted in Europe, modern technological solutions must be introduced and procedural practices optimised. In particular, in response to challenges such as the COVID-19 pandemic and martial law, Ukraine is actively adopting the experience of European countries in the digitalisation of justice. With the support of CEPEJ (the European Commission for the Efficiency of Justice), practical guidelines should be developed for conducting remote court hearings using videoconferencing, with particular attention paid to ensuring compliance with the principle of a fair trial in the context of online proceedings (Fig. 5)

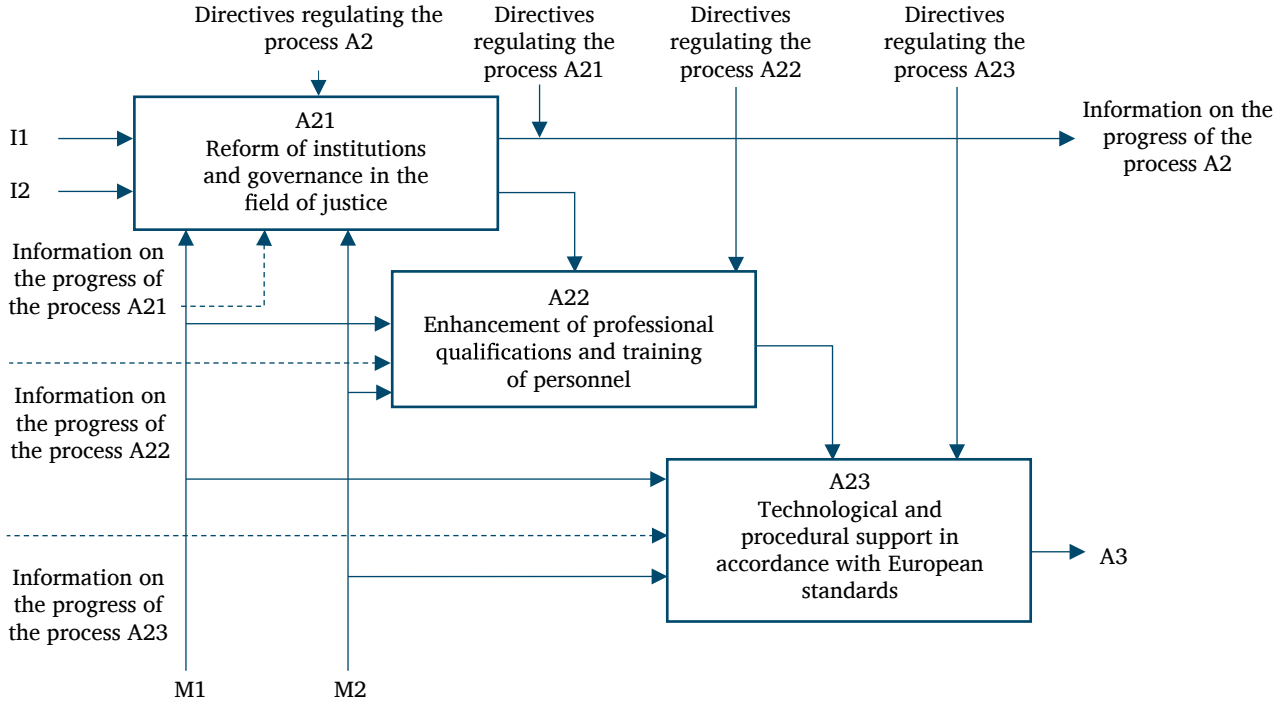

Figure 5. Second-level decomposition (A2) of the IDEF0 context diagram for ensuring the implementation of international standards in the civil law and procedure of Ukraine

Source: developed by the authors

Finally, the last process, namely A3 "Monitoring compliance, evaluating effectiveness and further improvement", should be detailed:

A31. Monitoring effectiveness and data collection. After the implementation of reforms, the establishment of a system for assessing their effectiveness becomes crucial. With the support of European partners, Ukraine is introducing quantitative and qualitative indicators of judicial performance, making it possible to measure progress in achieving international standards. In particular, CEPEJ standards on statistical reporting should be taken into account: the average length of proceedings, the judicial workload rate, the percentage of enforced court decisions, and similar indicators. The systematic collection of information

and the openness of such data (through reports of the High Council of Justice, the Ministry of Justice, and independent studies) make it possible to objectively assess whether the implemented standards are functioning properly. This approach is consistent with European principles of public accountability and serves as a basis for evidence-based decision-making.

A32. Ensuring the enforcement of judgments and effective legal remedies. Another important direction is guaranteeing that Ukraine fulfils its obligations under judgments of the European Court of Human Rights and provides citizens with effective remedies in cases of rights violations. Drawing on the practice of Council of Europe member states (for example, in Italy the so-called "Pinto Law" (Law of Italy No. 89, 2001) introduced compensation for excessively long judicial proceedings), the Ukrainian authorities should introduce two types of remedies: compensatory (financial redress for delays) and acceleratory (procedures aimed at expediting the consideration of cases).

A33. Continuous improvement and exchange of best practices. In this context, Ukraine should participate in the most effective pan-European initiatives such as e-CODEX. This will make it possible to ensure optimal cross-border data exchange in civil matters and to introduce modern cybersecurity standards for judicial systems. It should be noted that national independent institutions will also play an important role in this process. In particular, this concerns civil society and the academic community, which are able to monitor developments and contribute to the formulation of reform strategies for outdated mechanisms. All these activities should likewise rely on comparison with and adaptation of EU experience. In view of this, the entire implementation process cannot be limited to the formal fulfilment of a list of requirements, but must also involve the adoption of a course of continuous improvement of the national legal system. This approach is intended to ensure the maintenance of a consistently high level of compliance with standards in the long term, as well as readiness for prompt response and adaptation to new challenges and requirements (Fig. 6).

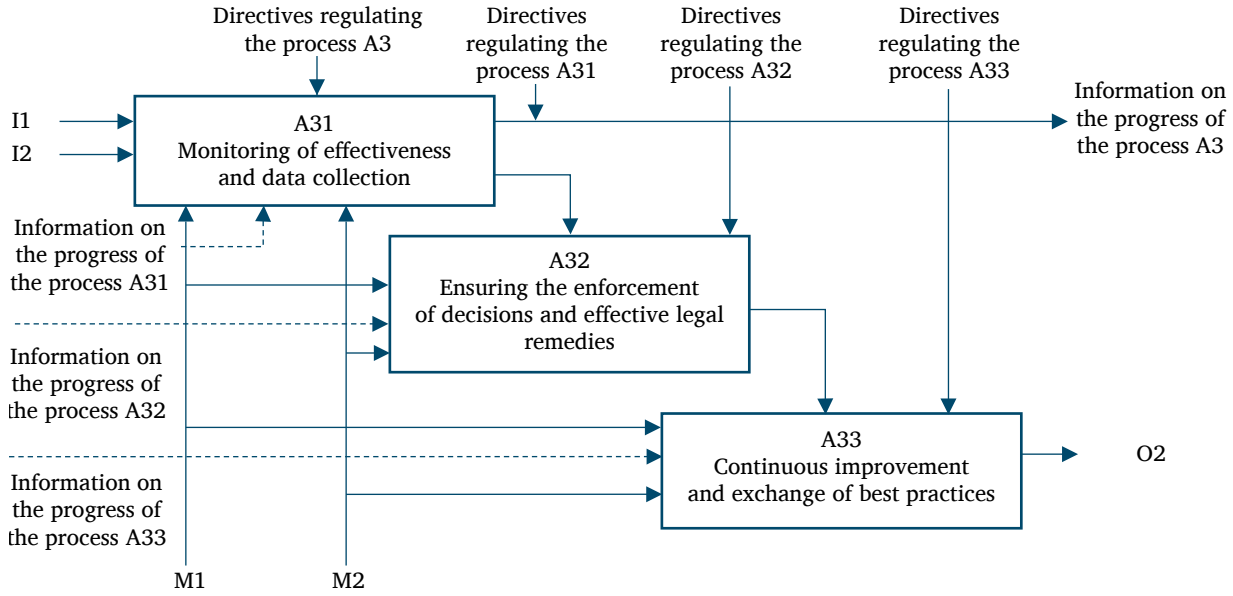

Figure 6. Second-level decomposition (A3) of the IDEF0 context diagram for ensuring the implementation of international standards in civil law and procedure in Ukraine

Source: developed by the authors

In summary, within the framework of the study, the use of IDEF0 functional modelling proved important for constructing a comprehensive, logically structured model for the implementation of international standards in the civil law and procedure of Ukraine, taking into account the challenges of wartime, real institutional constraints, and the state's obligations to the EU. The study not only conceptualises the problem but also proposes an algorithm of actions with specific stages and control mechanisms, making it a unique resource for legislators, reform experts, educational programmes, and technical assistance projects.

Discussion

It would be appropriate to compare the results obtained with studies that propose other models of harmonisation and legal transfer, as this would show how the logic of the phased model proposed in this paper differs, as well as which elements can be borrowed or refined. In this study, the implementation of international standards is presented as a managed process with sequential stages covering legislative approximation, institutional transformation, and continuous monitoring of implementation based on IDEF0 functional modelling. Thus, for example, a comparison with the approach of V. Komarov and T. Tsuvina (2021) demonstrates a different logic of harmonisation, which can be conditionally called conventional-precedential. The authors focus on the influence of the European Convention on Human Rights and the practice of the European Court of Human Rights on civil proceedings in Ukraine, i.e. the mechanism of transfer of standards is implemented through judicial interpretation, changes in procedural guarantees and stabilisation of approaches in law enforcement. The study by A. Potapenko *et al.* (2021) proposes yet another model of legal transfer, focused on the level

of judicial decision in a specific case. The authors analyse the implementation of international standards through the criteria for determining an effective civil law remedy by a national court, i.e. the focus shifts to the micro level of judicial protection of rights, its adequacy, proportionality and effectiveness.

The use of the work of V. Alkema *et al.* (2024) is methodologically justified if the implementation of standards in the context of martial law is considered as a task of institutional stability. Although the study focuses on the sustainability and strategic management of the economic and social security of enterprises, it demonstrates the managerial logic of adapting systems to prolonged crisis conditions, when continuity of operation, resource support and resilience become key. The work of M. Bani-Meqdad *et al.* (2024) examines cyber threats in the human rights system, particularly in terms of intellectual property. Although this issue is tangentially relevant to civil law, current study focuses on the fundamental institutional level of legal regulation (e.g., rules for the enforcement of decisions, guarantees of a fair trial) rather than on a specific legal institution or electronic environment.

In the context of the results obtained, it is advisable to correlate the proposed model for the implementation of international standards with scientific approaches that highlight individual elements of this process. In particular, the institutional focus of the IDEF0 model is consistent with studies that emphasise the role of legal entities in the provision of legal services and their civil legal capacity as a prerequisite for real access to justice and effective judicial protection (Hobechiya, 2020). The substantive legal dimension of implementation related to the protection of property rights is reflected in works devoted to compensation for damage caused by armed aggression, which justify the need for special mechanisms for compensation and adaptation of civil legislation to military conditions (Hnativ *et al.*, 2024) , as well as in studies of the consequences of non-fulfilment of civil law obligations during martial law, which raise the issues of liability, force majeure and the stability of civil turnover (Kopeltsiv-Levytska *et al.*, 2022). The institutional transformations laid out in block A2 of the model correspond to the European experience of self-government of the bar and professional ethics as a component of fair justice (Rezvorovych *et al.*, 2023), as well as with scientific conclusions on the need to deepen interaction between the state and civil society in order to increase trust in the judiciary (Kravchenko *et al.*, 2021). The procedural and technological dimension of implementation is confirmed in works on the digitisation of justice and the activities of the European Court of Human Rights, where digital tools are seen as a means of improving the efficiency of case consideration and enforcement of court decisions (Tsybulska *et al.*, 2022). Finally, the issue of the invalidity of legal transactions and the analysis of judicial practice in a comparative legal dimension complement the proposed model, since it is the quality of substantive legal constructs and their consistency with European approaches that influence the effectiveness of the entire implementation mechanism (Yanovytska *et al.*, 2023).

A comparison of the research results with the scientific approaches presented confirms that the implementation of international standards in Ukrainian civil law and procedure should be viewed as a complex and interrelated process that encompasses substantive, institutional, procedural, and enforcement elements and requires a systematic rather than a fragmented approach. Thus, unlike existing works, this study is interdisciplinary, systematic and practical in nature, and the use of the IDEF0 model allows to move from conceptual considerations to instrumental planning of adaptation processes suitable for implementation within the framework of state legal policy.

Conclusions

The study proposed a model reflecting the process of implementing international standards in civil law and the process in Ukraine, i.e. bringing national legislation and judicial practice into line with the norms and principles adopted by the EU, the Council of Europe and the international community. The topic was determined by Ukraine's European integration course and the need to ensure effective protection of human rights in accordance with international obligations. The study was conducted under certain constraints: in particular, the lack of up-to-date statistical data on the impact of reforms on judicial practice and difficulties in accessing complete judicial practice due to martial law and the reform of judicial bodies. Despite this, alternative sources – official reports, international reviews, expert assessments – were used to fill in the information gaps. Methodologically, functional modelling (IDEF0 method) was used to visually represent and systematise the process of implementing standards, which made it possible to structure the complex stages of reform and trace the logical relationships between them.

The study analysed all components of the implementation process (from the stage of drafting laws to their practical application and evaluation of effectiveness). It was determined that the first (regulatory) stage established the qualitative and quantitative changes required for the regulatory framework in the context of compliance with international standards. In this context, gaps were identified by highlighting the need for a comparative analysis, after which a series of reforms are expected to be adopted (updating procedural codes, ratifying important conventions, adopting laws to implement ECHR decisions). The second (institutional) stage includes measures to ensure the implementation of new norms. In practice, this will manifest itself in the processes of reorganising the judicial system (creating effective judicial bodies, specialising judges, and radically reforming the executive service), improving the professional competence of judges and lawyers through training in European law. Equally important is the introduction of technological innovations such as e-justice and mediation. All of the above steps are aimed at fundamentally modernising the justice infrastructure and bringing it closer to European standards. The third stage, called monitoring and improvement, involves assessing the effectiveness of the reforms and implementing measures to ensure their sustainability. In practice, this involves the systematic collection of data and performance indicators from courts that have already demonstrated positive trends (reduction in case processing times, reduction in unfulfilled decisions).

Despite covering the main issues, some aspects of the implementation of international standards remain open and require further study. First and foremost, a promising area is the quantitative assessment of the impact of the reforms: further research could analyse in more detail the statistical

indicators of court performance (e.g., workload dynamics, percentage of decisions enforced, level of public trust in the courts) before and after the implementation of key changes in order to measure the effectiveness of each measure. Judicial practice deserves special attention: an in-depth analysis is needed of how Ukrainian courts apply the new rules on a daily basis and whether practice has become more uniform and consistent with European practice.

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Імплементація міжнародних стандартів у цивільне право та процес України

Наталія Грабар
Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0001-5533-6765
Христина Майкут
Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0002-2196-4023
Уляна Воробель
Доктор філософії в галузі права, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0003-0480-5394
Ольга Ділай
Доктор юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0003-2872-5567
Марія Вовк
Кандидат юридичних наук, доцент
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0002-8740-8222

Анотація. Актуальність роботи зумовлена нагальною потребою України гарантувати ефективний захист прав людини в умовах євроінтеграції та воєнного стану шляхом адаптації цивільного права і процесу до міжнародних стандартів. Повномасштабне вторгнення російської федерації загострило проблему захисту прав цивільного населення та відшкодування шкоди, завданої збройною агресією. Це висуває на перший план питання оперативної адаптації механізмів цивільної відповідальності та процесуальних гарантій до стандартів гуманітарного і міжнародного приватного права, включно з ефективним виконанням судових рішень і транснаціональним визнанням позовів щодо компенсації. Метою роботи було формування цілісної, поетапної моделі впровадження цих стандартів з урахуванням європейських вимог. У дослідженні застосовано порівняльно-правовий аналіз, функціональне моделювання IDEF0. На підставі моделі IDEF0 встановлено, що ключовими є три взаємопов'язані етапи: гармонізація законодавства, інституційні перетворення та безперервний моніторинг виконання. Було проаналізовано такі аспекти, як реформування органів суддівського врядування, цифровізація судочинства, впровадження компенсаційних механізмів за порушення права на розумний строк, а також узагальнено результати порівняльного досвіду держав Європейського Союзу. Встановлено, що саме системна реалізація запропонованих кроків істотно підвищить відповідність українського цивільного процесу міжнародним вимогам, зміцнить довіру суспільства та міжнародних партнерів до правової системи. Практична цінність роботи полягає в тому, що отримані результати можуть бути використані законодавцями, органами судової влади, профільними міністерствами й освітніми установами під час розроблення нормативних актів, планування реформ і навчання правників

Ключові слова: міжнародне право; цивільний процес; гармонізація законодавства; функціональне моделювання; IDEF0

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International legal mechanisms for preventing corruption: Analysis of effectiveness and prospects for use in developing the anti-corruption architecture of Ukraine

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

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

Roman-Volodymyr Kisil
PhD in Law
Lviv State University of Internal Affairs
79007, 26 Horodotska St., Lviv, Ukraine
https://orcid.org/0000-0003-2276-5250

Abstract. The purpose of the paper was to analyse international experience in combating corruption offences for its further integration into Ukrainian legislation. The study used such methods as system analysis, comparative-implementation, statistical and retrospective methods. The article conducted a systematic review of global concepts of corruption prevention. It is indicated that in the conditions of modern globalisation processes, borrowing successful foreign experience and implementing it into the current legislation of Ukraine is critically important. A number of preventive measures used by leading countries to prevent corruption offences are also analysed in detail. Particular attention was paid to the positive experience of countries with the lowest level of corruption, and ways to achieve such results are highlighted. The article considers the anti-corruption strategies of Singapore, South Korea, Finland, Sweden, the Netherlands, Belgium, the Slovak Republic, Israel, the Republic of Poland, Germany, Great Britain, Denmark, the United States of America, Canada, Romania, Estonia. It was pointed out that in countries with low levels of corruption, prevention models combine both repressive measures and comprehensive elimination of factors contributing to corruption. It was noted that a modern strategy for preventing corruption requires active cooperation between state bodies, law enforcement agencies and civil society in matters of prevention and combating corruption offences. An essential prerequisite for success in preventing corruption is also the growth of civil awareness. Given the European vector of Ukraine's development, there is an urgent need to develop and implement a modern anti-corruption policy. It should take into account positive international experience in this area

Keywords: concept of preventing corruption offences; preventive measures; preventive state policy; transparency of governance; e-governance

Introduction

Analysing the international experience of combating corruption, it becomes obvious that corruption has no national borders, and it is extremely difficult to overcome it without a systemic approach. Countries with various levels of economic development, international and local organisations, law enforcement, military and legislative bodies are trying to fight it. However, no country in the world has completely overcome corruption. Although Ukraine has an operating mechanism for preventing and combating corruption, studying international recommendations and borrowing foreign

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*Corresponding author

experience is an extremely vital and promising direction. However, foreign experience cannot simply be copied. It should serve as an impetus for finding new, effective mechanisms for preventing corruption. There is an option of borrowing basic principles, measures, and mechanisms for combating and preventing corruption, adapting these principles and mechanisms to social conditions, the level of economic development and the system of government of Ukraine.

Many national and international scholars have dealt with the issue of corruption offences and improving Ukrainian legislation, whose works, in the author's opinion, are extremely relevant. The conceptual model, proposed by V. Topchii *et al.* (2021), empirically analyses the effect of corruption phenomena on the dynamics of social cooperation and the functionality of coercive mechanisms. The modelling results demonstrate an inverse correlation between the exclusive dependence of the system on the efficiency of centralised institutions and the level of effectiveness of the production of public goods. Accordingly, the authors point out the critical role of civic engagement (public participation) in anti-corruption prevention processes as a fundamental prerequisite for ensuring and protecting public interests.

O.O. Sydorenko *et al.* (2021) note that corruption is a special type of abuse of law, manifested in the deliberate use of official position and power by officials for the purpose of obtaining personal benefit, while ignoring moral principles and public interests. The authors rightly point out that the development of anti-corruption activities requires deepening doctrinal knowledge about corruption, studying its roots and prevention mechanisms, as this is the foundation for creating a system of practical measures, the sole purpose of which is to significantly reduce the level of corrupt acts.

L. Hbur (2020) adds that effective anti-corruption activities require a solid scientific concept of its prevention. The author concludes that in order to achieve a qualitative leap in anti-corruption activities, it is necessary to implement the following priority measures: improve current legislation, ensuring its scientific validity; implement the best global practices in combating corruption; ensure the mass involvement of citizens and state institutions in anti-corruption programmes; improve the quality of preventive work. This is especially critical for Ukraine, since corruption directly threatens democracy, the rule of law, social development and national security (Buga, 2023).

S. Shatrava and K. Chyshko (2023) rightly believe that minimising the level of corruption in a state depends on the specific tactics and unique tools used by its government. World experience has proven that the harm from corruption is too deep to be quickly neutralised. This emphasises the advantage of preventive measures in the early stages of corruption over combating it in already formed state structures. Meanwhile, the acute need for an operational response requires quick decisions, which is why borrowing and adapting successful foreign experience in combating corruption becomes an obligatory element of the anti-corruption strategy.

Analysing the psychological aspects of corruption in public administration, O. Dragan *et al.* (2020) rightly note that the key psychological factors that push civil servants to corruption are the desire to get rich quickly, low self-esteem, psychological dependence, perceived image in society, and a sense of impunity. In the authors' opinion, it is the feeling of impunity that is the main motivating factor for corrupt actions by public officials.

I. Diorditsa *et al.* (2025) aptly highlight that corruption is a systemic threat to ensuring sustainable development and institutional stability of democratic structures, acquiring particular urgency in the context of Ukrainian state-building. Scientists believe that the problem of conducting anti-corruption expertise in the field of public administration is critically important, since corruption manifestations devalue public trust in state institutions, causing a destructive impact on macroeconomic dynamics, social cohesion and the international reputation of the state.

In spite of a significant amount of empirical and theoretical scientific research in the field of combating corruption, the existing scientific base is characterised by the lack of integrative research. This methodological deficit significantly reduces the practical value of the developed conceptual principles in the formation of an effective anti-corruption system of administrative and legal operationalisation of manifestations of corruption offences in the activities of public servants. The process of restructuring the current anti-corruption legislation should be focused on a constellation of organisational, functional and legal measures.

The purpose of this scientific article was to conduct a general analysis of the existing international experience in preventing corruption offences and justify the mechanisms for its implementation in the current domestic legislation. It is assumed that the results of scientific research will serve as an anti-corruption guide and toolkit towards the systematic minimisation of corruption offences in Ukraine.

Materials and methods

Within the framework of the study, an analysis was carried out of documents developed by national and international institutions that play a key role in the formation and optimisation of anti-corruption policy. In particular, reports and recommendation materials of the Transparency International organisation were analysed. These sources contain an in-depth expert analysis of the identified corruption risks and serve as the basis for the development of specific implementation measures aimed at minimising (or eliminating) the specified threats.

The formal-legal method was used to systematise and doctrinal interpret international anti-corruption conventions. In parallel, the comparative-legal method provided a comparison of national legal mechanisms with the best international practices, which allowed identifying harmonisation gaps and the potential for borrowing effective tools. A systematic approach was necessary to analyse the functional relationships between international obligations and the institutional structure (NACP, NABU, SAP), assessing the interaction as elements of a single anti-corruption system.

The verification of theoretical hypotheses was carried out through empirical methods. Statistical analysis would be used to quantitatively measure the impact of implemented international mechanisms (for example, correlation with the Corruption Perceptions Index (CPI) and indicators of judicial efficiency). Content analysis of reports of international monitoring missions (GRECO, OECD) allowed obtaining an expert qualitative assessment of progress and identifying critical shortcomings.

The use of forecasting and scenario modelling methods contributed to the identification of promising directions for the development of anti-corruption architecture, the

formulation of scientifically based recommendations for optimising national policy, maximising the synergistic effect of using international legal tools. Such a comprehensive methodological approach ensured the reliability, validity and practical significance of the results obtained.

Results and discussion

Analysis of international experience shows that corruption offences are a serious threat to democracy and security of states around the world, negatively affecting all spheres of public life. In the presence of large-scale corruption, there is a belief that the main attention should be focused on eliminating its root causes, and not only on combating individual manifestations.

A detailed analysis of the works of administrative scientists O. Vasilenko (2023), V. Sereda and Z. Kisil (2024), A. Gryshchuk (2025) allows drawing the following conclusions:

1) the legal systems of most foreign countries do not use the term "fight" against corruption. Instead, legislators focus on the principles of preventing offences characteristic of specific areas of activity;

2) among the key factors for the successful development and implementation of effective mechanisms for preventing corruption is well-established interstate interaction and cooperation of law enforcement agencies at both the regional and international levels;

3) a number of international organisations, including the UN, Interpol, the Council of Europe, the World Bank and the International Monetary Fund, play an active role in preventing corruption.

Meanwhile, the critical importance of the problem of corruption is empirically confirmed by analytical data from the World Bank, which indicate that during periods of significant institutional reforms and constitutional changes, the risks of illegal and corrupt activities objectively increase. In addition, the constant fixation in the media of facts of conflicts of interest and the use of public positions for obtaining illegal benefits is gaining such a scale that it is transforming into a serious social problem. This factor is decisive for the formation of a stable negative perception by society of the activities of government officials, which are often viewed as aimed exclusively at personal or group gain.

Based on the 2024 Eurobarometer data, the following EU countries can be identified, the leaders of which face a high level of perception of corruption among the population. Thus, the highest level of perception of corruption among EU leaders is: Greece (98%), Portugal (96%), Malta (95%), Slovenia (95%), Croatia (95%); and the lowest level of perception of corruption among EU leaders is: Finland (18%), Denmark (26%), Luxembourg (43%) (Citizens' attitudes towards…, 2024). Most Europeans believe that corruption is widespread in many areas of public service provision. Although the figures may vary slightly in different Eurobarometer surveys (Flash Eurobarometer for business and Special Eurobarometer for citizens), general trends indicate that corruption is perceived as most widespread in the following areas: national and local/regional public institutions; politicians and political parties; public procurement; the health care system; business licensing; police and customs; courts and tax authorities.

These data highlight the deep concern of Europeans about corruption and point to critical areas that require increased attention and reform. Europeans generally believe that corruption is widespread in all areas of public administration and service delivery, especially where citizens/businesses interact with officials and there is an opportunity for personal gain or circumvention of rules. Many Europeans are often convinced that "connections" or "acquaintances" are the easiest way to obtain certain public services.

In conformity with Transparency International (2023), the countries with the most effective measures to prevent corruption, which have developed and implemented effective anti-corruption mechanisms, are among the top ten in the world ranking. These countries (in ascending order of ranking) include: Denmark – 90 points; Finland – 87 points; New Zealand – 85 points; Norway – 84 points; Singapore – 83 points; Sweden – 82 points; Switzerland – 82 points; Netherlands – 79 points; Germany – 78 points; Luxembourg – 78 points. These countries traditionally occupy high positions due to transparency, strong democratic institutions, effective rule of law and low level of perception of corruption.

Pursuant to the latest report by Transparency International, in 2024 Ukraine received 35 points out of 100 in the Corruption Perceptions Index (CPI), and took 105th place among 180 countries x. This means that in 2024 Ukraine lost 1 point compared to 2023, when it had 36 points and took 104th place in the Corruption Perceptions Index (2025). Thus, despite some positive shifts in anti-corruption efforts, the overall assessment of corruption perception in the country in 2024 slightly worsened. The European Commission (2024) noted Ukraine's progress in preventing and combating corruption. In particular, it noted the strengthening of the anti-corruption institutional framework and the increased independence of the NABU, SAP and NACP.

In line with the Open Budget Survey published in May 2024, Ukraine has achieved significant success in budget transparency, scoring 67 points out of 100 possible. This result was the best indicator for Ukraine in the entire history of participation in the survey, and significantly exceeds the world average. Ukraine ranked 12th in the world in terms of budget transparency (International Budget Partnership, 2023). Key OBS 2023 indicators for Ukraine:

- Transparency Index: 67 points. This high score indicates that Ukraine provides a large amount of comprehensive and timely budget information;
- Public Participation Index: 24 points. Although this indicator has improved, it still remains relatively low, indicating limited potential for the public to actively participate in the budget process;
- Budget Oversight Index: 76 points. This high indicator indicates a strong role of the legislative body (parliament) and the supreme audit institution (Accounting Chamber) in controlling budget execution.

A study of international experience in preventing corruption allows distinguishing two main models of anti-corruption activities. The vertical strategy for combating corruption (also known as the Singapore or Asian model) is aimed at quickly achieving results. It is used in countries such as Singapore, Japan, the People's Republic of China and South Korea. The goal of this strategy is not to completely eradicate corruption, but to achieve a certain level of its acceptability for the authorities and society. The horizontal strategy (Swedish or Scandinavian model) focuses on gradual, long-term anti-corruption activities based on anti-corruption incentives. Examples of such countries include Sweden, Denmark, Finland, and the Netherlands.

Since corruption exists in all countries of the world, its prevention is a universal problem. Different states are trying to solve it using various models. Thus, studying this experience allows concluding that Ukraine can borrow and apply certain anti-corruption measures that: 1) have not been used in Ukraine before; 2) have already been used, but require formal or substantive updating, or use according to an updated methodology.

It is advisable to start the systematisation of international experience in preventing corruption with an effective model introduced in Singapore. The country scored 84 points out of 100 possible in the Corruption Perceptions Index (2024). It ranks 3rd among 180 countries in the world, behind only Finland (88 points) and Denmark (90 points), which occupy 2nd and 1st places, respectively. The accelerated social, political and economic development of Singapore, which has taken on the character of a steady geometric progression over a relatively short period of 35-40 years, is the result of a purposeful and multi-component anti-corruption policy. The essence of such rapid progress lies in the systematic application of legal, institutional and cultural factors. Singapore's Prime Minister Lee Kuan Yew rightly noted that at the stage of state formation, the first government was faced with the ineffectiveness of existing anti-corruption legislation, which did not cover a significant part of corruption offences, and law enforcement agencies were deprived of sufficient powers. The situation was aggravated by the large-scale involvement of senior officials in corrupt activities.

The response to these challenges was the formation of a comprehensive and rigid legal framework, the key elements of which were: The principle of the "presumption of corruption"; institutional independence; the severity of sanctions and impartial application. Singapore's success is not limited to legal mechanisms, but is integrated into socio-economic and cultural policies: minimising economic incentives for corruption; creating a culture of integrity and meritocracy; and the role of the media as a tool of control. A key finding is that Singapore's rapid progress has been made possible by a strong political will that has provided a synergy between strong legal sanctions, economic incentives for honesty, and cultural condemnation of corruption.

In consonance with the Corruption Perceptions Index (2024), South Korea scored 64 out of 100 on the Corruption Perceptions Index (CPI), ranking 30th out of 180 countries worldwide. The success of the Republic of Korea's anti-corruption program is based on a three-pronged institutional approach, the effectiveness of which is confirmed by scientific analysis, especially regarding the impact of key legislative initiatives. The effectiveness of the Korean model largely depends on a centralised and integrated anti-corruption body – the Anti-Corruption and Civil Rights Commission (ACRC), which functions as a strategic architect, combining preventive (integrity assessment), investigative (complaint handling) and protective (whistleblower protection) functions. Such a holistic consolidation of powers minimises fragmentation of efforts, accelerates response to corruption risks and ensures systemic implementation of anti-corruption policies.

The most significant manifestation of political will was the adoption of the Improper Solicitation and Graft Act (2016). Numerous empirical studies and legal reviews confirm its transformative impact, especially on petty corruption and informal corruption-generating practices: expanding jurisdiction and changing the legal standard. The Kim Yong-ran Act has set an unprecedented legal precedent, providing for a broader scope of anti-corruption regulations; transformation of corporate and societal culture; systematic preventive measures (Integrity Assessment) and meritocracy. Thus, South Korea's success in combating corruption is determined by a systemic, multidimensional approach. It is guided by a strong central authority (ACRC) that combines proactive preventive measures, strong legislation and accountability mechanisms. All of this is supported by political will and active public participation.

It can be argued that corruption is the least visible in the Scandinavian countries, which traditionally occupy leading positions in world rankings with the lowest level of corruption. According to Transparency International (2024a), Finland scored 88 points out of 100 possible in the Corruption Perceptions Index (CPI), ranking 2nd among 180 countries in the world. In Finland, administrative and legal regulation of the prevention of corruption offences is based on the principles of prevention and deterrence of offences. These principles are enshrined in regulatory and legal acts that relate to specific areas of activity, rather than individual types of offences. It is noteworthy that Finland does not have a single anti-corruption strategy, a separate anti-corruption law or separate anti-corruption structural units.

Instead, the means of prevention are mostly criminal in nature. In particular, the Penal Code of Finland (1963) provides that the commission of corruption and corruption-related offences entails, depending on the degree of public danger, the imposition of a fine or imprisonment for a term of up to four years. The success of Finland, which is consistently positioned as one of the most uncorrupt jurisdictions in the world, is based on the paradigm of integrated integrity, where the prevention of corruption is consciously viewed not as a separate problem requiring specialised laws or centralised bodies, but as an integral part of high-quality and effective public administration (Good Governance). This model is functionally based on the absolute rule of law, which guarantees the political, financial and personnel autonomy of the justice system, thus ensuring impartiality of law enforcement and predictability of administrative decisions. Corruption is classified as part of general criminal offences (regulated by general rules on bribery) and as a lack of management (maladministration), which emphasises a systemic approach to regulation rather than focusing on individual incidents.

The normative foundation for ensuring high ethical standards in the state apparatus is constitutional law and Law of Finland No. 750 "Civil Services Act" (1994), supplemented by internal ethical codes. The effectiveness of this model largely depends on the high quality of public administration, which is characterised by compactness, low bureaucratisation and the absence of caste or clan affiliation, which reduces the possibilities for abuse of discretionary powers. This institutional stability is strengthened by a decent level of wages and a reliable social package for civil servants, which reduces the economic motivation for corruption, as well as by an adequate system of internal and external control over the activities. A critically important element is high public intolerance to corruption and the functioning of developed civil society institutions and independent media, which ensure broad public monitoring and transparency of the decision-making process by officials, which is reinforced

by a state guarantee of protection for persons who have assisted competent authorities in the fight against corruption. Thus, the Finnish model demonstrates that the most effective safeguard against corruption is the high quality of public administration itself, based on trust, ethical stability and transparency.

Unlike Finland, as noted by N. Yuzikova (2021), where the success of the anti-corruption program is the result of the organic integration of the principles of integrity into the quality of public administration and high trust in the rule of law system, the Ukrainian strategy, despite its saturation with institutions and regulatory acts, demonstrates a low correlation between the volume of resources and the final result. Another example of successful Scandinavian experience in preventing corruption is Sweden. In accordance with Transparency International (2024b), Sweden scored 80 out of 100 on the Corruption Perceptions Index, ranking 8th out of 180 countries. The success of the Swedish institutional model in preventing corruption is the result of the convergence of high social capital and strong institutional mechanisms that create a sustainable environment for integrity and transparency.

A critical driver is the high level of social capital and trust that permeates Swedish society, forming a strong cultural deterrent where corruption is socially unacceptable and rare. This cultural foundation is complemented by a strong rule of law and an independent judiciary that ensures impartial application of the law and effective prosecution of corrupt acts. This institutional foundation is confirmed by positive assessments by Transparency International, indicating a low level of perception of corruption and a high quality of justice. The cornerstone of Swedish administrative culture is the Publicity Principle (Offentlighetsprincipen), which guarantees broad access to official documents and information by citizens and the media. This principle, enshrined in the Constitution of Sweden (1974), ensures effective public control and is a powerful preventive measure against abuse.

The effectiveness of the system is enhanced by professional and high-quality public administration, characterised by clear processes and a focus on providing quality services, which reduces the space for subjective decisions and corruption rents. Although anti-corruption work is decentralised and integrated into the activities of various state institutions, effective coordination and exchange of experience among these institutions ensure the integrity of the approach. Civil servants are guided by clear ethical norms and values, based on constitutional principles (democracy, legality, objectivity, respect for human rights), creating a culture of integrity. The legislative basis for prosecution is the strict legislation on bribery contained in the Criminal Code of Sweden (1962).

Another illustrative example in the fight against corruption is the Netherlands. Pursuant to Transparency International (2023a), the Netherlands scored 78 out of 100 on the Corruption Perceptions Index, ranking 9th out of 180 countries. The Netherlands' approach to preventing corruption and corruption-related offences is based on a comprehensive administrative and legal approach that combines transparency, innovative risk monitoring and strict sanctions, integrated into the overall architecture of state security. The key principle of the system is transparency and constant reporting, which is reflected in the annual reporting of the Minister of the Interior to Parliament on the detected corruption facts and the measures taken to bring the perpetrators to justice. This mechanism ensures political accountability and the availability of information to the public, since all materials related to corruption offences are publicly available, except for those that pose a threat to national security (OECD anti-corruption…, 2024). On this basis, public control is built, where the media play a significant role, actively publicising cases of bribery and conducting the own independent investigations.

For the purpose of effective prevention, innovative systems for monitoring "risk zones" in state and public organisations have been introduced. This involves constant monitoring of potential sources of corruption and strict control over the activities of persons who interact with such sources. The process of selecting personnel for the state apparatus integrates the criterion of "corruption security", taking into account the potential "corruption risk" of personnel. In addition, the legal status of state officials is being fully formalised, which ensures a clear consolidation of the legal personality for improper compliance with the established rules of professional ethics (GAN integrity…, 2022). These preventive and control measures are complemented by specific and severe penalties that have a discrediting effect: a complete ban on further work in state organisations and institutions, loss of all social benefits and guarantees (including pensions), fines and temporary suspension from official duties (Global compliance…, 2026). The publicity of bringing civil servants to legal responsibility for corruption offences serves as the apotheosis (final phase) for demonstrating the state's intolerance. Institutionally, the Netherlands has created a specialised service for the prevention of corruption, which functions as a component of the general architecture of state security, ensuring the coordinated implementation of these tasks.

Belgium has a positive track record in preventing corruption. In conformity with Transparency International (2024c), Belgium scored 73 out of 100 on the Corruption Perceptions Index, ranking 16th out of 180 countries. In addition to legal measures under the Criminal and Tax Codes, civil servants are subject to active preventive measures. The COPERNIC reform in Belgium, initiated in the early 2000s, is an example of the introduction of New Public Management (NPM) principles into a traditional administrative system and has achieved success through a synergy of legislative changes and political will. The success of the reform is based on a comprehensive package of regulations that have ensured the transition from a Weberian model focused on process and status to a model focused on the citizen, results, and efficiency. The regulatory support for the reform was implemented through a series of Royal Decrees that legislated a new organisational architecture: the replacement of the classic Ministries with the more flexible and homogeneous Federal Public Services (FPS) and Support Services (PPS), which provided a new organisational structure and contributed to the disappearance of ministerial cabinets in the previous form, separating political responsibility from operational management. A crucial regulatory element that contributed to the success of the human resources management (HRM) reform was the introduction of a mandate system (fixed term) for senior civil servants; this was enshrined in Royal Decrees that allowed for the recruitment of top managers based on competencies and linking the activities to management plans and performance evaluation, which formally contributed to the depoliticisation of senior administrative positions. Regulation played a crucial role in legitimising these changes,

shifting the focus from traditional tenure to accountability and citizen orientation as a central principle. Thus, the success of COPERNIC was due not only to the declaration of new approaches and a change in the management culture, but also to strict regulatory support, which institutionalised NPM principles and forced the administration to be efficient, professional and improve services for the population.

The anti-corruption policy of the Slovak Republic is characterised by a productive mechanism of preventive measures, which is based on three interdependent determinants: a comprehensive legal framework, a specialised institutional architecture and procedural transparency. At the level of a comprehensive legal and strategic framework, the country has ensured the presence of specialised legislation on the fight against corruption, supplemented by targeted strategies and concepts, as well as the Law on Lobbying, which contributes to the regulation of the influence of the private sector on state decisions. The institutional determinant is highly specialised: it includes the National Criminal Agency (NAKA) and the Special Prosecutor's Office, which ensure independent investigation and prosecution of corruption crimes. This vertical is reinforced by the Supreme Audit Office, which carries out external financial control, and the Committee for Incompatibility of Functions, which monitors conflicts of interest. The National Anti-Corruption Council, an advisory body that brings together key stakeholders from the public, private and public sectors, plays a coordinating role. At the level of procedural and preventive measures, Slovakia has emphasised transparency and accountability: strict rules on asset declaration and conflict of interest have been introduced, transparency of public procurement and access to information have been ensured. Whistleblower Protection is of crucial importance, which encourages citizens and officials to report facts of corruption. The system is being modernised through e-governance and digitalisation, which reduce bureaucratic risks. These measures are complemented by internal anti-corruption programmes, codes of ethics and educational programmes aimed at raising awareness and creating a culture of integrity in the public sector.

Israel is a leading country in the effectiveness of preventing corruption in public and political life. According to Transparency International (2025), Israel scored 64 out of 100 on the Corruption Perceptions Index, ranking 30th out of 180 countries. The mechanism for preventing corruption offences in the State of Israel is multi-vector and is based on a systemic combination of legal certainty, institutional independence and a high degree of public accountability. Thanks to this architecture, the country consistently maintains a moderately high level of institutional integrity, which is reflected in international indices (Thematic compilation…, n.d.).

The prevention system is formed around a holistic strategy, where a reliable legislative framework creates a comprehensive legal framework that covers not only the criminalisation of corruption offences (such as bribery and abuse of power), but also a wide range of preventive financial mechanisms. These mechanisms include provisions ensuring transparency of the origin of funds and creating a toolkit for tracing and confiscating illegally obtained assets. Specific legislative acts establish clear rules of ethical conduct and regulation of the receipt of gifts in the public sector, which minimises gaps in legal certainty and eliminates ambiguity in official relations (Israel, n.d.). The functionality of the system is supported by a decentralised but effectively coordinated network of specialised institutions. Law enforcement is the responsibility of the national police (including specialised elite units) and the State Prosecutor's Office, which guarantee independent investigation and prosecution of top corruption. These structures are supervised by an independent institution of state control and the Ombudsman, which carries out external audits of financial activities and management efficiency, while having a high degree of public influence. Additionally, the Civil Service Commission ensures meritocratic selection of personnel and controls compliance with codes of ethics and conflict of interest rules (Lex mundi…, 2022). The effectiveness of the system is enhanced by procedural robustness, which includes strict internal conflict of interest rules, transparency, and access to information mechanisms, and internal audit. A critical element is the legislative protection of whistleblowers, which stimulates internal accountability. Finally, international cooperation is an integral vector of the Israeli strategy, as confirmed by the ratification of key international anti-corruption conventions and active interaction with international supervisory bodies, ensuring the updating of national legislation in accordance with global standards for combating corruption and money laundering.

The experience of the Republic of Poland in implementing anti-corruption policies is sound. According to Transparency International (2023b), Poland scored 53 out of 100 on the Corruption Perceptions Index, ranking 53rd out of 180 countries. The Anti-Corruption Strategy implemented in Poland outlines the implementation of the following goals: continuous improvement of existing anti-corruption legislation; implementation of an innovative algorithm for preventing corruption in all areas; productive detection of corruption offences; increasing the level of legal awareness of citizens; consolidation and expansion of cooperation between law enforcement agencies.

As of 2021, as indicated by O. Melnyk (2021), a decentralised type of organisation of anti-corruption institutions operates in the Republic of Poland. This model, unlike the centralised one, provides for the distribution of power in the field of preventing and combating corruption between law enforcement agencies and state bodies. Key powers in this area are distributed between the highest institutions of state power: the President, Parliament, and the Government. One or more state bodies that directly carry out law enforcement activities are also integrated into this system. As an example of implementation, the Department of Public Administration operates under the President, which, in cooperation with the Ministry of Internal Affairs, works on the prevention and combating of corrupt acts. The fight against corruption in Poland is multi-level and is ensured by the activities of a complex of key institutions: Centralne Biuro Antykorupcyjne (CBA): It is a specialised anti-corruption body that plays a special role, combining operational and investigative functions with active preventive work (organisation of trainings, raising awareness); Agencja Bezpieczeństwa Wewnętrznego (ABW): Provides a security aspect, which may include investigating corruption cases that affect national security; Prokuratura Krajowa: Responsible for criminal prosecution and ensuring that persons guilty of corruption offences are brought to justice; Najwyższa Izba Kontroli (NIK): Performs the function of external supervision (audit) of the use of public funds and the efficiency of public administration, which contributes to the identification of corruption risks.

In addition to state structures, public control mechanisms are actively involved in Poland. In particular, the Monitoring Committee, which includes representatives of non-governmental institutions and organisations (such as Transparency International Poland, which also makes an important contribution), is functioning productively. The Committee's functions are broad, covering public control over the implementation of anti-corruption policy, identifying and documenting corruption offences among government officials, developing proposals for legislation, and conducting educational and preventive measures.

Significant attention in the national strategy is paid to preventive work, which includes: improving mechanisms for monitoring corruption risks and legal regulation; increasing the level of transparency and openness of public administration; developing a culture of integrity; creating an effective internal control system in state bodies; constant cooperation and coordination between all actors. The Polish decentralised model is an example where success in the fight against corruption is ensured by institutional complexity and a balance of powers between the law enforcement, supervisory, political, and public sectors.

The Polish experience highlights that a strong institutional and legislative framework is a necessary but not sufficient condition for effective action against corruption. The critical determinants for success are a constant and consistent political will that provides political support for anti-corruption bodies, and effective control over the full implementation of anti-corruption measures and recommendations. The historical problems that Poland has faced show that without this consistent political will and full implementation of recommendations, progress can slow down significantly. Thus, for Ukraine, the Polish experience is a valuable lesson on the importance not only of creating structures, but also of ensuring the real independence and political support for achieving sustainable results.

As another example, it is worth considering Germany. In line with Transparency International (2024), Germany scored 75 out of 100 points and ranked 15th among 180 countries. Germany has a strong legal and institutional framework for effectively combating corruption. Although the country lacks a single, centralised anti-corruption bureau like the Polish CBA, the fight against corruption is ensured through a wide range of state bodies, laws, and initiatives.

German anti-corruption policy is based on a comprehensive legal and institutional architecture that demonstrates a clearly expressed preventive nature. The legal basis is a wide range of legislative provisions that are not limited to a single anti-corruption act, but integrate the criminalisation of corruption offences into the general Criminal Code of Germany (2024). This integration covers not only the receipt and granting of advantages in the public sector, but also extends to bribery in commercial activities and the health sector, ensuring cross-sectoral legal certainty. The preventive vector is strengthened by specialised acts regulating the protection of whistleblowers and the German Corporate Governance Code, which sets integrity standards for the private sector. In addition, Germany confirms its commitment to international cooperation by ratifying key global agreements such as the United Nations Convention against Corruption (2003) and the OECD Convention on Combating Bribery of Foreign Public Officials (1997).

The fight against corruption at all levels is carried out by key state institutions, including the prosecutor's office and the police at the law enforcement level, as well as the Federal Ministry of the Interior and the Federal Criminal Police Office. In addition, there are anti-corruption commissioners who function as internal controllers, strengthening accountability. The presence of these institutions is reinforced by the active role of civil society organisations. The preventive nature of the policy is dominant and focuses on minimising the abuse of public office by civil servants through legislative, personnel, administrative and organisational measures. This approach is ensured by the fundamental duty of a German civil servant: to perform the official duties objectively and fairly, solely for the benefit of society as a whole. Current legislation provides for the personal responsibility of civil servants for the legality of the actions and the obligation to provide information about the facts of wrongdoing known to such civil servants, which turns every state body into a proactive element of internal integrity control.

The main priorities of anti-corruption activities in Germany, according to Z. Kisil and O. Tarasenko (2022), are: extremely strict restrictions on receiving gifts and continuing employment after the dismissal from civil service; the formation of a register of corrupt private institutions or organisations in order to prevent contacts with state authorities; the creation of a register of positions that are most prone to corruption offences; permanent change of personnel of civil servants in these positions. Thus, the German approach to preventing corruption is based on such principles as the rule of law, transparency, accountability and active participation of both state and non-state actors. It is systemic, but decentralised, which contributes to the adaptation of measures to the specific requests of different levels of government.

Anti-corruption policy in the United Kingdom also focuses on significant public activity in the context of preventing corruption and corruption-related offences. As O. Vasilyeva and N. Vasilyev (2019) point out, one of the principles is the public's own awareness, which closely monitors negative phenomena in the state. Pursuant to Transparency International (2024e), the United Kingdom scored 71 points on the Corruption Perceptions Index (CPI), ranking 20th out of 180 countries. Anti-corruption policy in the United Kingdom is based on a comprehensive approach, encompassing legislation, law enforcement activities and government initiatives.

The system for preventing corruption in the United Kingdom has traditionally been characterised by high standards of integrity in the civil service, although in the last few years, it has been described as a "patchwork quilt" of institutional roles and approaches, which is under pressure from the decentralisation of public services. A critical element of the legal framework is the Bribery Act (2010). This piece of legislation is considered one of the strictest in the world, as it: criminalises active and passive bribery, as well as bribery of foreign public officials; establishes corporate liability for failure to prevent bribery (Failure to Prevent Bribery), which forces companies to implement "adequate procedures" to reduce risks; has broad extraterritorial effect, allowing for the prosecution of crimes committed by British citizens or companies abroad.

The experience of the United Kingdom, despite differences in legal systems and institutional architecture, contains a number of valuable mechanisms and approaches that can be implemented or adapted in Ukraine to increase the

effectiveness of anti-corruption policy, namely: strengthening corporate responsibility and compliance; combating illicit finance and money laundering; raising standards of public ethics and lobbying; strategic and professional development. The greatest value for Ukraine is represented by preventive mechanisms that strengthen corporate integrity and enhance the transparency of financial flows, which is critical for integration into the global economic space.

Denmark is known for its low level of corruption and a high level of trust in state institutions. This success is achieved not only by the presence of a single "anti-corruption body", but also by a comprehensive architecture of institutions and practices that promote transparency, accountability, and integrity. Denmark is traditionally considered a global benchmark in the fight against corruption, regularly ranking high in international rankings, in particular according to Transparency International (2024f), Denmark scored 90 points on the CPI, ranking first among 180 countries and being recognised as the least corrupt country in the world. Importantly, Denmark does not have a single centralised anti-corruption agency, as in some other countries. Instead, the fight against corruption is integrated into the activities of various state institutions, which ensures the division of responsibility and mutual control.

The basis of the Danish model is a mature civil society and a deeply rooted culture of "zero tolerance" for corruption. This intolerance extends not only to public officials, but also to the private sector. Most companies adhere to a policy of "zero tolerance" for bribery, often requiring employees to sign special agreements to refuse corrupt practices, the violation of which leads to dismissal.

A crucial element is also a high level of transparency and openness of governance. Information on the movement of public funds is as transparent as possible, which makes it difficult for officials to hide income and expenses. Although Denmark does not have a single national anti-corruption strategy, it has a well-developed and strict legal framework, which includes specialised acts, for example, amending No. 380 to the Criminal Code of Denmark (2002). Danish legislation is extremely strict: even minor benefits or privileges (such as paying bills or gifts) can be regarded as corruption.

The system actively supports public and parliamentary control. Any citizen has the right (including anonymously) to apply to law enforcement agencies with a statement to check a violation. In addition to public control, there is parliamentary control over the activities and income of ministers. Denmark's success is thus the result of a combination of deep-rooted social values, the historical evolution of the bureaucracy, and clear, robust legislation, while further challenges lie in the areas of political transparency and international economic activity.

In conformity with Transparency International (2024g), the United States scored 65 on the CPI in 2024, ranking 28th out of 180 countries. The United States' (US) anti-corruption record is characterised by a dualism: one of the most aggressive extraterritorial legal systems, but also systemic internal vulnerabilities that affect institutional integrity. The US position has been trending downward, indicating a growing perception of the domestic risks associated with political and institutional corruption.

The US government has released the United States Strategy on Countering Corruption (2021), which represents a nationwide, consolidated approach to anti-corruption activities. This strategic document outlines priority areas of effort within five key provisions: 1) modernising, coordinating, and resourcing anti-corruption initiatives; 2) countering illicit finance; 3) ensuring that corrupt officials are held accountable; 4) strengthening the multilateral anti-corruption architecture at the international level; and 5) intensifying diplomatic interaction and optimising the use of foreign assistance to achieve goals. To ensure accountability of the new strategy, a mechanism for annual reporting of federal departments and agencies to the US President on progress is provided.

The US anti-corruption experience demonstrates high effectiveness in the field of criminal prosecution and extraterritorial application of the law (FCPA), which has a positive impact on international business ethics. At the same time, systemic problems related to the interaction of politics and finance (lobbying) remain key domestic challenges. The adoption of the United States Strategy on Countering Corruption (2021) indicates awareness of these challenges and the intention to transfer anti-corruption efforts to a new, institutionally coordinated level. Thus, the study and implementation of elements of this strategic experience is of significant importance for the formation of a comprehensive approach to solving the problems of combating corruption in other national practices, in particular in Ukraine.

Canada's anti-corruption policy represents a comprehensive and multi-vector model that ensures a high level of institutional integrity and stable positions in global rankings, in particular, according to Transparency International (2024h), Canada scored 75 points on the Corruption Perceptions Index. This means that Canada ranked 15th among 180 countries and territories covered by the study. The legal and institutional framework for Canada's anti-corruption system is structured at two key levels. Domestic corruption is criminalised through the Criminal Code of Canada (1985), which contains clear definitions and sanctions for bribery (both active and passive), abuse of office, conflict of interest and influence peddling. Internationally, Canada actively enforces the Corruption of Foreign Public Officials Act (1998), which is an analogue of the US FCPA. The CFPOA provides extraterritorial jurisdiction to prosecute Canadian entities for bribing foreign public officials to obtain commercial advantages, and establishes requirements for proper accounting to prevent the concealment of improper payments.

Overall, the Canadian anti-corruption system is based on the principles of the rule of law, accountability and transparency, with multiple layers of oversight to ensure the integrity of public administration. Adapting elements of Canada's anti-corruption experience to Ukrainian realities can provide a strengthening of preventive tools and increase the transparency of political processes. Based on the analysis of the Canadian system, which is characterised by a high level of institutional integrity, it is advisable to identify four key areas for implementation: regulation of political influence and transparency of lobbying; strengthening of financial intelligence and asset monitoring; institutional integrity and ethical control; protection of whistleblowers.

Pursuant to Transparency International (2024i), Romania scored 46 points in the CPI, ranking 65th out of 180 countries. Although this score remains unchanged compared to the previous year, it is still significantly lower than the European Union average (62 points). The institutional and legislative mechanisms for preventing corruption in Romania constitute a complex and dynamic complex, largely

shaped by European Union requirements, in particular the Cooperation and Verification Mechanism (CVM). Romania's anti-corruption policy is characterised by a two-pronged approach, encompassing both repressive and preventive instruments, although the effectiveness is characterised by significant instability. The National Anti-Corruption Directorate (DNA) plays a central role in the repressive segment (Law of Romania No. 78/2000, 2000). This specialised prosecutorial body, created to investigate high- and medium-level corruption, has long been a model for Eastern European countries, demonstrating high conviction rates, including the prosecution of high-ranking officials (ministers, deputies, judges). The DNA's success has been closely linked to its operational independence and strong international support. However, its activities have consistently faced political resistance, leading to periodic attempts to legislatively limit its powers and change its leadership, which in turn have caused temporary but significant declines in the overall effectiveness of the fight against corruption.

Pivotal preventive institutions operate in parallel. The National Integrity Agency (ANI) is responsible for verifying the declarations of assets, income and possible conflicts of interest of public officials. The ANI's activities are critical to ensuring transparency of assets and preventing illicit enrichment. The National Anti-Corruption Strategy (NAS) serves as a strategic framework that defines goals and measures to improve institutional integrity in the state apparatus. The NAS is oriented towards a risk-based approach, requiring state institutions to develop internal integrity plans. Thus, the Romanian experience illustrates that effective counteraction to corruption requires not only the creation of strong repressive institutions, but also ensuring the long-term independence, stable political support and the consistent implementation of preventive measures at all levels of public administration to form a sustainable culture of integrity.

In line with data provided by Transparency International (2024j), Estonia scored 76 out of 100 points in the Corruption Perceptions Index, ranking 13th out of 180 countries. This is a very high indicator, indicating a low level of perception of corruption in the public sector. It is important to note that its score has not changed compared to 2023. Estonia is recognised as one of the least corrupt countries in Eastern Europe and demonstrates high performance in international corruption perception indices, which reflects the effectiveness of its institutional and legislative mechanisms. Scientific analysis indicates that Estonia's success is based on three interrelated pillars: extensive digitalisation of public administration (e-government), transparency of decision-making and a simplified but strong institutional framework.

In Estonia, the experience of e-government, which is being formed and developed in Ukraine, is extremely useful for borrowing. The main priority in Estonia was precisely to minimise the "human" factor in relations between citizens, civil servants, legal entities, etc. in the context of implementing administrative procedures and receiving administrative services. This, ultimately, significantly reduces the degree of corruption offences. In fact, Estonia is the first country in the world where, for example, you can take part in voting in elections via the INTERNET network.

Another critical preventive element is a high degree of transparency in decision-making. The legislative framework requires public access to information on public procurement, political party financing and declarations of interests. Estonia has a Corruption Prevention Act, which clearly defines the concept of conflict of interest and obliges public officials to declare the economic interests. Importantly, the emphasis is on proactive disclosure of information, rather than just responding to requests, which strengthens public scrutiny and reduces information asymmetry. Unlike some other countries, Estonia has not established a single mega-agency to combat corruption.

Instead, responsibilities are divided between several key bodies: the Security Police (KAPO), which investigates high-level corruption crimes; the Prosecutor's Office (with a high level of professionalism and independence); and the State Audit Office, which audits the use of public funds. This decentralised but effectively coordinated approach prevents excessive concentration of power in a single institution and provides a system of checks and balances.

The Estonian model of corruption prevention is a unique example where technological solutions are not just an auxiliary tool, but a fundamental architectural element that creates the "corruption resilience" of the system. This approach, combined with a high level of administrative culture, an independent judiciary and public intolerance of corruption, ensures a consistently low level of corruption risks, focusing more on systemic prevention than on exclusively repressive measures.

An analysis of anti-corruption activities in various countries, including Singapore, South Korea, Finland, Sweden, the Netherlands, Belgium, Slovakia, Israel, Poland, Germany, the United Kingdom, Denmark, the United States, Canada, Romania and Estonia, showed that many of these countries have created specialised organisations and institutions. The task is to develop strategies, tactics, conceptual programmes and documents, as well as implement preventive measures to combat corruption. So, currently, two main conceptual models of combating corruption are distinguished, which demonstrate different levels of effectiveness: the "Specialised Repression" Model (DNA Model/ Hong Kong ICAC) and the "Systemic Prevention" Model (Scandinavian and Estonian models). The first model is clearly represented in Hong Kong (ICAC), as well as with modifications in Romania (DNA) and Singapore (CPIB), and is based on the creation of a powerful, independent, centralised body with broad powers to investigate and prosecute corruption crimes, especially at a high level (Table 1).

Table 1. Analytical assessment of the repressive model

Analytical assessment	Repressive model
Strengths	Quickly restores public trust through high-profile arrests and high conviction rates. Allows for the decapitalisation of corruption networks by eliminating key individuals.
Weaknesses	Instability (high dependence on political will and independence of leadership). Expensive to operate. Does not address root causes of corruption (weakness of administrative systems).
Conclusion	Effective as short-term "shock therapy", but insufficient for systemic and lasting change.

Source: developed by the authors

Analysis of international practice allows concluding that the most sustainable and comprehensive success is achieved not by choosing between prevention and repression, but by the optimal integration into the Hybrid Model. Prevention, characteristic of the Scandinavian countries (Finland, Sweden) and Estonia, focuses on minimising opportunities for corruption through structural reforms, rather than through increased punishment (Table 2).

Table 2. Analytical evaluation of the preventive model

Analytical assessment	Preventive model
Strengths	Creates a sustainable "corruption resilience" of the system. Eliminates the root causes of corruption (weakness, opacity). Cheaper in the long run. Uses digitalisation to reduce discretion (e.g. e-government in Estonia).
Weaknesses	Slow to implement. Requires a high level of administrative culture and public intolerance. Not always effective against already existing, deeply entrenched corruption networks.
Conclusion	Optimal for long-term sustainability and the formation of quality public administration.

Source: developed by the authors

Thus, the anti-corruption strategy should focus on prioritising preventive administrative and technological measures as the basis for resilience, while maintaining strong repressive mechanisms as a tool for deterring and combating high-level corruption. Ukraine can use this international experience to reduce the level of corruption. This will directly affect the well-being of the population, because the level of corruption in the state is a key factor determining it.

Problems of legal regulation of prevention of corruption offences in Ukraine and ways to eliminate such offences. The conducted comparative analysis of anti-corruption systems in leading countries characterised by a high level of socio-economic development (in particular, Singapore, South Korea, Finland, Sweden, the Netherlands, Estonia, the USA, Canada, Germany, Poland, etc.) allows positioning the decisive importance of the comparative-implementation method in the formation of an effective system of combating corruption. The use of this method is critically important for minimising potential defective positions identified in the process of functioning of foreign anti-corruption systems and ensuring maximum effectiveness of national anti-corruption measures.

Given the consolidated practical and proven experience of the above-mentioned foreign countries, a number of modernisation measures are proposed for the domestic public-legal continuum:

1. Financial, economic and organisational measures (models of Sweden, South Korea):

- reforming the financing of civil society institutions: it is advisable to review the existing system of financing anti-corruption public organisations. By analogy with the Swedish model, it is proposed to transfer this financing to the plane of investment interest of private business structures, ensuring the independence and sustainability of civil control;
- institutionalisation of e-government and transparency: it is necessary to systematically introduce an electronic government system. Based on the practical model of South Korea, the key principle should be full transparency of all administrative acts, including the possibility of remote access to the content for private law entities, which will contribute to the reduction of discretionary powers.

2. Criminal procedural and legal measures (Singapore model). Modification of the criminal procedural burden of proof: the feasibility of implementing the model of derogation from the presumption of innocence into the national criminal procedural legislation is substantiated exclusively for cases related to corruption offences. This involves placing the obligation to prove the legality of the origin of assets or other incriminated facts on the relevant official who is in the status of a suspect or accused, which reflects an approach successfully implemented, in particular, in Singapore and a number of common law jurisdictions.

3. Budgetary and financial and decentralisation measures. Abolition of budget centralism and simplification of fund consolidation: it is proposed to abolish the practice of budget centralism and the complex procedure of consolidation-redistribution of budget funds through a single treasury account. This outdated model should be replaced by full budgetary autonomy of territorial communities (municipalities) in combination with maximum openness and transparency of the municipal budget process, which minimises corruption risks at the stage of redistribution.

The global nature of the corruption epiphenomenon is not only an incentive to strengthen socio-economic and organisational-legal international cooperation, but also determines the actualisation of the process of forming a qualitatively new transnational doctrinal model of legal operationalisation of this phenomenon. The ultimate goal of such a doctrine is to consolidate the global anti-corruption potential. The results of this scientific research can become the basis for further scientific research. The findings will help in resolving debatable issues related to measures to prevent corruption offences. In addition, these results can be used to develop practical recommendations. Such recommendations will contribute to the creation and implementation of a new anti-corruption policy that will take into account successful international experience.

Conclusions

The subject of this study was the analysis of international legal mechanisms for preventing corruption offences and the assessment of the possibilities of the adaptation and integration into the anti-corruption architecture of Ukraine. The purpose of the article was to summarise practically tested foreign experience in preventing corruption and determine its significance for improving domestic administrative and legal regulation. The conducted study allows stating that the goal was achieved, despite the limitations associated with the fragmentation of public statistical information and limited access to individual institutional materials of foreign jurisdictions.

During the study, a systematic analysis of international anti-corruption models was carried out, in particular, the practices of the Scandinavian countries, Singapore, South Korea, the Netherlands, Israel, Germany, and Slovakia. It was found that effective systems for combating corruption

are based on a combination of strict legal regulation, institutional independence, transparency of public administration and active participation of civil society. The analysis of legislation and institutional mechanisms allowed establishing that the preventive approach dominates over the repressive one, and the key tools are e-governance, financial openness, conflict of interest control and whistleblower protection. The results of the study showed that the lack of a single anti-corruption strategy in individual states is not an obstacle to high efficiency, provided that anti-corruption norms are systematically integrated into the general legal field. Such trends indicate the crucial importance of legal culture and institutional integrity. The results of the analysis revealed universal structural elements of successful anti-corruption models, regardless of the legal family of the state. The results obtained allow stating that the implementation of international experience should be carried out, taking into account national institutional and socio-legal characteristics.

Summarising the results obtained, it can be noted that international anti-corruption practices form a holistic concept of corruption prevention as a multi-level administrative and legal process. Conceptually, the above indicates the need to move from fragmentary changes to a systemic rethinking of anti-corruption policy in Ukraine, where prevention, accountability, and transparency are the basic principles. This deepens the understanding of corruption not only as a crime, but as an institutional dysfunction that requires a comprehensive legal response. Promising areas for further research include an in-depth analysis of the mechanisms of institutional implementation of international standards in the activities of specific public authorities in Ukraine, as well as an assessment of the effectiveness of preventive instruments in the dynamics of law enforcement practice.

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Міжнародно-правові механізми запобігання корупції: аналіз ефективності та перспективи використання в розбудові антикорупційної архітектури України

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

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

Роман-Володимир Кісіль
Кандидат юридичних наук
Львівський державний університет внутрішніх справ
79007, вул. Городоцька, 26, м. Львів, Україна
https://orcid.org/0000-0003-2276-5250

Анотація. Метою статті був аналіз міжнародного досвіду у боротьбі з корупційними правопорушеннями для подальшої його інтеграції в українське законодавство. У дослідженні використано такі методи, як системний аналіз, компаративно-імплементаційний, статистичний та ретроспективний методи. У статті проведено системний огляд світових концепцій запобігання корупції. Зазначається, що в умовах сучасних глобалізаційних процесів критично важливим є запозичення успішного іноземного досвіду та його впровадження у чинне законодавство України. Також детально проаналізовано низку превентивних заходів, які застосовуються провідними країнами для запобігання корупційним правопорушенням. Особливу увагу приділено позитивному досвіду країн з найнижчим рівнем корупції, висвітлено шляхи досягнення таких результатів. У статті розглянуто антикорупційні стратегії Сінгапуру, Південної Кореї, Фінляндії, Швеції, Нідерландів, Бельгії, Словацької Республіки, Ізраїлю, Республіки Польщі, Німеччини, Великої Британії, Данії, Сполучених Штатах Америки, Канаді, Румунії, Естонії. Підкреслюється, що в державах із низьким рівнем корупції, моделі запобігання поєднують як репресивні заходи, так і комплексне усунення чинників, що сприяють корупції. Зазначається, що сучасна стратегія запобігання корупції вимагає активної співпраці між державними органами, правоохоронними структурами та громадянським суспільством у питаннях превенції та протидії корупційним правопорушенням. Важливою передумовою успіху у запобіганні корупції є також зростання громадянської свідомості. З огляду на європейський вектор розвитку України, існує гостра потреба у розробленні та реалізації сучасної антикорупційної політики. Вона має враховувати позитивний міжнародний досвід у цій сфері

Ключові слова: концепція запобігання корупційним правопорушенням; превентивні заходи; превентивна державна політика; прозорість врядування; електронне урядування

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79007, вул. Городоцька, 26, м. Львів, Україна
тел.: +380 (32) 258-69-54
E-mail: journal@sls-journal.com.ua
www: https://sls-journal.com.ua/uk

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